

## Chapter 17.04 – DEFINITIONS

### Sections:

#### 17.04.010 - Definitions.

For the purpose of this title, certain words and phrases are defined and shall be construed as set out in this and the following sections unless it is apparent from the context that they have a different meaning. All public officials, bodies, and agencies to which reference is made shall be understood to mean those of the County of Alameda, hereinafter referred to as the county, unless the text indicates otherwise.

"Access driveway" means land providing vehicular access to a building or off-street parking area, open from the ground to the sky except as may be otherwise indicated on an approved site development review plan, land use and development plan, or cluster permit plan.

"Accessory structure" means a detached subordinate structure or building on a lot, the use of which is appropriate, incidental and customarily or necessarily related to the district and to the principal use of the lot or to that of a main building on the lot.

"Accessory use" means a use which is appropriate, subordinate, incidental and customarily or necessarily related to a lawfully existing principal use on the same lot or building site and does not alter the essential characteristics of such principal use as a whole and as related to other uses permitted in the same district.

"Adult entertainment activity" means any commercial activity, whether conducted intermittently or full time, which primarily involves the sale, display, exhibition or viewing of books, magazines, films, 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. Adult entertainment activities also include, by way of illustration only, such activities as nude encounter, dance studios, bath houses, escort studios and any establishment that offers no readily discernable product or service.

"Agricultural caretaker" is a person who performs at least one of the following: on-site security; maintenance or care for livestock or other ruminants, horses, bees, rabbits, fowl, poultry; operational tasks related to farming or ranching, or in a viable agricultural business or public/commercial recreational interest on the property.

"Agricultural caretaker dwelling" means any approved temporary dwelling, manufactured home, or mobile home constructed after September 15, 1971, and issued an insignia of approval by the California department of housing and community development which is placed on a temporary foundation. Such a dwelling shall be occupied by an agricultural caretaker and his/her family.

"Agricultural employee" means a person engaged in agriculture, including: Farming in all its branches, and, among other things, includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in Section 1141j(g) of Title 12 of the United States Code), the raising of livestock, bees, furbearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage or to market or to carriers for transportation to market.

"Agricultural employee housing" means any living quarters or accommodations of any type, including mobilehomes, which comply with the building standards in the State Building Standards Code or an adopted local ordinance with equivalent minimum standards for building(s) used for human habitation, and buildings accessory thereto, where accommodations are provided by any person for individuals employed in farming or other agricultural activities, including such individuals' families. The agricultural employee housing is not required to be located on the same property where the agricultural employee is employed.

"Alcohol outlet" means any retail establishment engaged in the business of selling alcoholic beverages for off-premises consumption; a winery, pursuant to the definition of winery in this section is exempted.

**"Artisan/maker space" means a work, studio, and/or retail space for artisans, craftsmen, and small-scale manufacturers to work in an individual or communal setting, where the activities produce little to no vibration, noise, fumes, or other nuisances more typical in industrial or manufacturing uses.**

"Billboard" means a permanent structure or sign used for the display of offsite commercial messages and shall include and be synonymous with "advertising sign."

"Block" means that property abutting one side of a street or lane which lies between the two nearest intersecting or intercepting streets, or between the nearest such cross street and an intersecting railroad right-of-way, watercourse, body of water, or the end of the street or lane.

"Boarding house" means a building or portion thereof, other than a hotel or restaurant, where four or more persons are provided with lodging or meals or both meals and lodging for a consideration and pursuant to previous arrangement. The term includes a lodging house or rooming house, but does not include institutional uses such as a hospital or an orphanage or home for the aged.

"Board of zoning adjustments" means any board of zoning adjustments established under Administrative Code Sections 2.40.120 et seq. having jurisdiction over the specific application.

"Building" means any structure erected for the support, shelter, or enclosure of persons, animals, or property. For the purposes of this title, a swimming pool shall be considered a building. A vehicle regulated by the State Vehicle Act shall not be deemed to be a building. (See also Accessory building, Main building).

"Building site" means the land area, consisting of one or more recorded lots which constitute a unit, either under one ownership or for use as a condominium, which is to be considered as a site either occupied or to be occupied by a main building or buildings and accessory buildings or by a principal use and accessory uses together with the effective lot frontage on a street, and the yards, open spaces and parking and loading spaces required by these regulations.

"Cannabis" shall have the same definition as in Business and Professions Code Section 26001(f), which defines "cannabis" as all parts of the plant *cannabis sativa linnaeus*, *cannabis indica*, or *cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For purposes of this chapter, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the California Health and Safety Code.

"Cannabis cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming, including any associated storage, of Cannabis, including cannabis for medicinal use and/or adult-use in accordance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act.

"Cannabis distribution" means the procurement, sale, and transport of cannabis and cannabis products between entities licensed pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act.

"Cannabis retailer" means a premises where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers cannabis and cannabis products as part of a retail sale under the authority of the California Compassionate Use Act, the Medical Marijuana Program Act, or the Medicinal and Adult-Use Cannabis Regulation and Safety Act and as regulated by Chapter 6.108 of this code.

"Cannabis testing laboratory" means a laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products in accordance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act.

"Canopy" means an accessory structure, enclosure, or shelter constructed of fabric or pliable material supported in any manner, except by air or the contents it protects, without side walls or drops on seventy-five (75) percent or more of the perimeter.

"Channel" means a natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

"Clubhouse" means a building used for social or civic activities by a group of persons who are members of an organized and incorporated association, excluding any building where the chief activity is one customarily carried on as a business, or where a room or suite of rooms is frequently rented or regularly offered for a rent to nonmember groups or to the general public.

"Code enforcement manager" means the planning director or designee.

"Combined cannabis operation" means a cannabis operation that engages in at least three of the following commercial cannabis operations on one premises: cultivation, distribution, manufacturing and retail in accordance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act.

"Community clubhouse" means a clubhouse containing facilities for neighborhood civic and social activities, operated by and for residents in the vicinity, where residence in the area served is a requisite for membership.

"Community facility" means any of the following buildings or uses:

1. Church or rectory or convent, when constructed of frame or more lasting materials;
2. School, attendance at which satisfies the requirements of the Compulsory Education Law of state;
3. Nursery school (except in Castro Valley (Castro Valley Urbanized Areas), where nursery school is not allowed. See instead "Day Care Center".);
4. Library, college, university;
5. Outdoor recreation facility;
6. Public utility building or uses, excluding such uses as a business office, storage garage, repair shop or corporation yard;
7. Newspaper carrier distribution center, having an area not in excess of one-hundred (100) square feet.

"Day Care Center" means a commercial or non-profit child day-care facility designed and approved to typically accommodate twelve or more children. Includes infant centers, preschools, sick-child centers, and school-age day-care facilities. These may be operated in conjunction with other approved land uses, or as an independent land use.

"Directional tract sign" means a temporary sign not exceeding thirty-two (32) square feet in area and fifteen (15) feet in height and containing only the name and location of a subdivision and directions for reaching same. For the purposes of Section 17.54.080, "directional tract sign" as defined herein is a principal use.

"Drive-in business" means a business activity consisting of sales or service activity predominately rendered to patrons who normally receive the product or utilize the service, at least in part, while in automobiles upon the premises. This definition includes drive-in restaurants and automobile car washes.

"Drive-in restaurant" means any eating establishment which contains any of the following characteristics:

1. The floor area available for public use is less than one-half of the total floor area;
2. Has an outside service window; or
3. Is designed for or uses service to patrons while in automobiles on the premises.

"Drive-in theater" means a place where automobiles are admitted for a fee and parked so the occupants can view a motion picture display while seated therein.

"Dwelling" means any building or portion of a building which contains one or more dwelling units. The term includes one-family dwelling, two-family dwelling and multiple dwelling.

"Dwelling group" means two or more separate one-family, two-family or multiple dwellings occupying a single building site.

"Dwelling unit" means a room, or a suite of connecting rooms, designed for use as separate living quarters or used as separate living quarters and constituted as a separate and independent housekeeping unit and having its own kitchen facilities consisting of one or more of the following: sink, cooking facility or refrigerator. Any detached structure containing a full bath including a water closet, basin and shower or tub or containing a half bath including a water closet and basin, the area of which half bath exceeds twenty (20) square feet, shall also be considered a dwelling unit.

The term "dwelling unit" shall also include for the purposes of this title a one-family mobilehome constructed after July 15, 1976, and issued an insignia of approval by the U.S. Department of Housing and Urban Development and permanently located on a foundation system.

"Effective lot frontage" means whichever is smaller of the following two specified dimensions of a lot or a building site:

1. The length of the front lot line, excluding any frontage on the stub end of a street where there is no approved turning circle; or
2. The least lot width at any point between the front line of the lot and the point at which the median lot width is measured.

"Elevation or level of one hundred (100) year flood" means the water surface elevation of the one hundred (100) year flood as shown on officially adopted flood plain maps (as amended) of Alameda County.

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.

"Flood" means a temporary condition of partial or complete inundation of normally dry land areas.

"Flood plain" means the land adjacent to a watercourse or body of water which has been or may hereafter be covered by floodwater from flood flows associated with watercourses conveying the regulatory one hundred (100) year flood.

"Floodway" means the channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood flows associated with the regulatory one hundred (100) year flood without raising the water surface elevation of that flood more than one foot at any point, as shown on officially adopted flood plain maps (as amended) of Alameda County.

"Floor Area". See Section 17.52.900.

"Grade" is the lowest point of elevation of the finished surface of the ground between the exterior wall of the building and a point five feet distant from the said wall or the lowest point of elevation of the finished surface of the ground between the exterior wall of the building and the property line if it is less than five feet distant from said wall. In the case of walls parallel to and within five feet of a public sidewalk, alley, or other public way, the "grade" shall be the elevation of the sidewalk, alley, or public way.

"Height of building" means the vertical distance between the average level of the highest and lowest points of that portion of the lot covered by the building and the topmost point of the structure.

"Hog ranch" means any premises where more than three hogs, with any unweaned litters, are maintained.

"Home occupation" means an activity customarily carried on by a resident of a dwelling unit, when activity is incidental and subordinate to the use and maintenance of the dwelling unit as living quarters, as regulated in Section 17.52.210.

"Hospital" means a general hospital as licensed by the State Department of Public Health or psychiatric or alcoholism hospital as licensed by the State Department of Mental Health.

"Hotel" means a building other than a motel containing six or more bedrooms where overnight lodging, without individual cooking facilities, is offered to the public for compensation, primarily for the accommodation of transient guests. A motel shall not be deemed to be a hotel.

"Interior lot" means a lot other than a corner lot.

"Kennel" means any premises where more than six dogs or more than twelve (12) cats, over the age of weaning, are boarded, kept, or otherwise maintained.

"Key lot" means the first lot to the rear of a corner lot, the front lot line of which is a continuation of the side lot line of the corner lot.

"Lane" means either (1) a public thoroughfare which is not improved or maintained by the state, the county or a city; or (2) any private road over which the different owners of three or more separate lots have a common easement for vehicular passage extending to a street. The term does not include any thoroughfare defined in this section as a street, or any driveway lying entirely within a single building site.

"Lot" means a separate parcel of land shown and identified as such on the records of the county recorder or on the final map of an approved and recorded subdivision, excluding therefrom for the purposes of this title any portion thereof which lies within a street, within a lane, or within a fenced-off flood control easement.

Lot, corner. "Corner lot" means a lot or a building site in one ownership which is bounded on two or more adjacent sides by street lines, or by a street line and a lot line abutting a lane, where the angle of intersection does not exceed one hundred thirty-five (135) degrees.

"Lot depth" means the average horizontal distance between the front lot line and the rear lot line (or between two opposite front lot lines) measured on a line running in the general direction of the side lot lines; provided, however, that if either side lot line has any angular change of direction, it shall be measured along a straight line starting from the midpoint of the front lot line so as to bisect the front half of the lot, and extended to the rear lot line.

"Lot line" means one of the boundary lines of a lot or a building site. A street lot line is any lot line abutting a street and for the purposes of this title, does constitute a boundary line of a lot unless otherwise specified in the document creating the lot. The front lot line is a street lot line upon which the effective lot frontage is required to be provided. On a corner lot, the shorter street lot line is the front lot line; in the case of a square corner lot, either of the equal street lot lines may be designated to be the front lot line. An interior through lot abutting two approximately parallel streets has two front lot lines. The lot line generally opposite the front lot line is the rear lot line, and need not be a straight line. All other lot lines are side lot lines.

"Lot width" means the horizontal distance between the side lot lines measured at a right angle to the line along which lot depth is measured.

"Main building" means one in which the principal use of the lot upon which it is situated is being conducted. A dwelling in any R district is a main building.

"Manufactured home" means a factory-assembled structure or structures transportable in one or more sections, that is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation acceptable to the authority having jurisdiction and where connected to the required utilities, including but not limited to plumbing, electrical, heating and air-conditioning contained therein and installed in accordance with Title 25.

"Median lot width" means the lot width at the midpoint of the line along which the lot depth is measured.

"Medical cannabis," "medical cannabis product," or "cannabis product" means a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code. For the purposes of this chapter, "medical cannabis" does not include "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.

"Medical or residential care facility" means a residential care home as licensed by State Department of Social Services, Community Care Licensing Division. This term also includes group living quarters housing persons placed by an authorized agency for rehabilitation purposes and is funded by or licensed by or is operated under the auspices of an appropriate federal, state or county governmental agency.

"Microbrewery" means a commercial facility for manufacture, blending, fermentation, processing, and packaging of malt liquor that produces less than ten thousand (10,000) barrels (three hundred ten thousand (310,000) U.S. gallons) of beer annually. At all times, microbreweries must have a current and applicable California Alcohol Beverage Control License.

"Microbrewery related uses" means various uses accessory to a microbrewery which must be clearly incidental and subordinate to the primary microbrewery use. The term includes various temporary, cultural and social events (catered banquets, receptions, concerts, food and beer festivals, etc.) that would not compromise the primary agricultural operation or appearance of the property.

"Mobile outdoor business" means an established business that is solely and continuously conducted outside a building or within premises that are moved to a site at the beginning of business hours and removed at the close of business. It is limited to food trucks that directly serve the needs of the occupants of existing industrial/office commercial buildings or workers, patrons, or clients of existing businesses in the immediate vicinity.

"Mobilehome" means a factory-assembled structure or structures transportable in one or more sections, that is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation where connected to the required utilities, including but not limited to plumbing, electrical, heating and air-conditioning contained therein and installed in accordance with Title 15.

"Mobilehome park" is any building site where one or more mobilehome sites are rented or leased or held out for rent or lease or for sale as a unit of a condominium to accommodate mobilehomes used for human habitation.

"Mobilehome site" is that portion of a mobilehome park designed or used for the occupancy of one mobilehome.

"Motel" means a building, or group of one-story or two-story buildings on the same lot or building site, whether detached or in connected rows, containing bedrooms or dwelling units independently accessible from the outside,

which are occupied, or offered to the public to be occupied, by automobile travelers. The term includes any building or group of buildings designated as an auto court, motor lodge, tourist court or by any other title or sign intended to identify it as providing for rental or over-night accommodation primarily to motorists.

"Multiple dwelling" means a building or portion of a building containing three or more dwelling units. (Nonconforming use, see Section 17.52.610)

"Name plate" means a sign which serves exclusively to designate the name, or the name and occupation of a person residing in the dwelling.

"Non-taxable merchandise" means products, commodities, or items not subject to California state sales tax.

"Obstruction" means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood-hazard area such as a combining FW or FF district, which may impede, retard, or otherwise adversely affect the flow of water or characteristics thereof, whether in itself or by catching or collecting debris carried by such water, or that is placed where the flow or water might carry the same downstream to the possible damage of life or property.

"Officially adopted flood plain maps" means the boundaries of the flood fringe and floodway and flood elevations, delineated on the county zoning map, based on maps prepared by the county flood control and water conservation district and based on flood insurance rate maps of the Federal Insurance Administration, U.S. Department of Housing and Urban Development.

"Olive oil mill" means a commercial, bonded facility for the processing of olives into olive oil.

"One-family dwelling" means a building containing one and only one dwelling unit.

"One hundred (100) year flood" means the highest level of flooding that, on the average, is likely to occur once every one hundred (100) years in a given area (i.e., that has a one per cent chance of occurring in any given year), as shown on officially adopted flood plain maps (as amended) of Alameda County.

"Original decision-maker" is the individual, board or commission that makes a decision as provided for in this title that is appealed to the board of supervisors pursuant to Section 17.54.670.

"Outdoor recreation facility" means a park, or a playing field for active games, a golf course, a swimming pool, a camp or picnic grounds, a vacation resort or guest lodge, or a neighborhood recreation area, together with such buildings or uses as are accessory to the recreational use. The term does not include drive-in theater, a drive-in business, carnival, circus or trampoline courts.

"Ownership" means possession of property in fee by a person or persons, firm, corporation or partnership, individually, jointly or in any other manner whereby the property is under single or unified control. The person, firm, corporation or partnership exercising such ownership of a parcel of land shall be referred to herein as the owner thereof.

"Parking lot" means any premises the principal use of which is to provide a hard-surfaced open space for the parking of passenger automobiles. (For parking spaces, See Sections 17.52.750—17.52.810)

"Place of public assembly" means any place designated for or used in whole or in part for the congregation or gathering of fifty (50) or more persons in one building whether such gathering be of a public, restricted or private nature. Assembly hall, church, school auditorium, recreation hall, or pavilion, place of amusement, dance hall, opera hall, motion picture house, established for the consumption of food or drink, or other similar establishments are included in this term.

"Planning director" means the planning director of this county or his designated representative.

"Primary building frontage" means the width of the projection of a business building, or establishment within a building, onto a single straight line chosen by the establishment to be the primary building frontage and normally parallel to a lot line or street. A primary building frontage line must lie in a roadway or public open space area such as a private street, an open plaza or square or an auto parking area. A business may have only one primary building frontage. Any sign area accrued and authorized by one building frontage may not be attached to any other frontage.

"Principal use" means a use permitted, excluded, conditioned, or allowed to continue as a nonconforming use by this title, as distinguished from an auxiliary or subordinate use permitted only when accessory to another use lawfully occupying the same lot or building site. Every dwelling in an R district is a principal use.

"Private garage" means a building or portion of a building used for the parking of one or more automobiles where the use is accessory to the principal use of the building or the premises structure or an enclosed space that is accessory to a residential use, and that is intended for and principally used to park and/or keep motor vehicle(s), and that accommodates legal and/or legal, non-conforming parking space(s), and which is attached or detached from the primary residential structure(s); other, incidental use(s) for a garage as defined herein are for the keeping and/or storage of tools, equipment, personal belongings, and/or such appliances as washer/dryer, water heaters, and heaters, which are directly under the care of and for personal use of a resident on the property; provided that such incidental uses do not restrict or eliminate the principal use of the garage.

"Production facility, wine, beer, or olive oil" means a commercial area for wine, beer or olive oil making, bottling, and storage. Production facilities may include crushing, pressing, blending or similar treatments of grapes, olives, hops or similar agricultural products required for making wine, beer or olive oil; cooperage; fermentation tanks; onsite aboveground disposal of wastewater; aging, processing and storage of wine, beer or olive oil in bulk; bottling and storage of bottled wine, beer or olive oil; office, marketing and laboratory uses.

"Race track" means a facility for the competitive or recreational use of motor vehicles which are principally designed or commonly used for off-highway or recreational purposes.

"Recreational vehicle" means a camp car, motorhome, travel trailer or tent trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than two hundred twenty (220) square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units, or fixtures, bath and toilet rooms, and is identified as a recreational vehicle by the manufacturer.

"Recreational vehicle park" is any building site where one or more sites are rented or leased or held out for rent or lease for one or more days to owners or users of recreational vehicles.

"Recreational vehicle site" is that portion of a recreational vehicle park designed or used for the occupancy of one recreational vehicle.

"Recycling center" means a facility that collects, sorts, and temporarily stores glass, metals and other reusable materials. The term does not include any processing activity.

"Remote testing facility" means an outdoor facility for testing electronic equipment where an environment that is relatively free from radio frequency interference is a prerequisite for successful testing. The term includes research and testing facilities of a low-intensity nature, where there is a minimum of permanent construction and minimum impact on existing and potential agricultural uses. Accessory buildings may be included.

"Sales floor area" means interior building space devoted to the sale of merchandise, but excluding restrooms, office space, storage space, automobile service areas, or open-air garden sales spaces. For the purpose of determining whether total sales floor area of a single business establishment exceeds one hundred thousand (100,000) square feet, the aggregate square footage of all adjacent stores which share common check stands, management, a controlling ownership interest, warehouses, or distribution facilities shall be considered a single establishment.

"Salvage yard" means the use of more than two hundred (200) square feet outside of a building on any lot for the handling or storage of scrap metal, paper, rags or discarded, salvaged or waste materials of any kind. The term includes automobile wrecking yards, used lumber yards, junk yards and storage of salvaged house wrecking and structural steel materials and equipment, but does not include yards for the storage or sale of operable used cars or machinery or the incidental processing of used or salvaged materials where permitted, as part of a lawful manufacturing or industrial use on the same premises.

"Sanitary land fill" means an engineering method of disposing solid waste on land by spreading the waste in thin layers, compacting it to the smallest practical volume and covering the waste with earth each day in a manner which prevents environmental pollution.

"Secondary building frontage" means the width of the projection of a business building, or establishment within a building, onto a single straight line which is either perpendicular to or parallel to the primary building frontage line. A secondary building frontage line must lie in a roadway or public open space area such as a private street, an open plaza or square or an auto parking area. A business may have a maximum of three secondary building frontages. Any sign area accrued and authorized by one building frontage may not be attached to any other frontage.

"Secondary (or accessory dwelling) unit" means an accessory, second or secondary unit that 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 one single-family dwelling is situated. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.
2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

"Self-service laundry" means an establishment where the clothing of individual patrons is laundered separately in coin-operated or automatic washing machines and dryers. The term includes establishments containing dry cleaning units with a capacity not in excess of forty (40) pounds and using non-inflammable fluids whose flash point is not less than 138.5 degrees Fahrenheit. The term does not include any establishment which involves the use of a vehicular pick-up or delivery service.

"Shelter" means a building or structure, the use of which is for the protection of persons against blasts, fire, heat and radio-active fallout as described in Appendix 2, Annex 10, National Shelter Plan of the United States Office of Civil and Defense Mobilization; but not as a place of human habitation except during periods of natural disaster, enemy attack and authorized local, state and federal civilian defense alerts, tests or other authorized activities. The term includes both disaster and fallout shelters.

Sign, Advertising. "Advertising sign" means any lettered or pictorial matter or device which advertises or informs about a business organization or event, goods, products, services or uses, not available on the property upon which the sign is located and does not include directional tract sign or community identification sign.

Sign, Apartment Rental. "Apartment rental sign" means a temporary sign located on a site to advertise for initial occupancy of new apartment complexes.

"Sign area" means and is computed as, the entire area within a single continuous rectilinear perimeter of not more than eight straight lines enclosing the extreme limits of the sign; provided that in the case of a sign with more than one exterior surface containing sign copy, the sign area shall be computed as the sum of all exterior faces. Any structure or part of a structure which departs from standard architectural procedures in an attempt to attract attention to the premises by reason of color scheme, building shape or unusual architectural features shall be considered sign area and subject to all pertinent regulations. Where two advertising signs are located on the same supporting members and the two faces of the signs are at no point more than two feet from one another, each face shall be considered a single sign.

Sign, Business. "Business sign" means any lettered, figured or pictorial matter or device which serves to identify and indicate pertinent facts concerning a business, professional service, manufacturing or industrial enterprise lawfully conducted on the same premises. The term excludes the advertisement of products not handled or services not available on the premises.

Sign, Community Identification. "Community identification sign" means a sign serving to identify or otherwise describe a city or an unincorporated community. Community identification signs are regulated by Section 17.52.530.

Sign, Directional Tract. "Directional tract sign" means a temporary sign containing only the name and location of a subdivision and directions for reaching the same. For the purposes of Section 17.54.080 directional tract sign as defined herein is a principal use.

Sign, Freestanding. "Freestanding sign" means a sign supported from the ground by a structure installed primarily for the purpose of supporting the sign. A sign attached to or painted on a fence shall be considered a freestanding sign.

Sign, Identification. "Identification sign" means a sign or device on the premises which serves exclusively to designate the name or the name and use of a public or semi-public building, or of a community facility, medical or residential care facility, multiple dwelling or dwelling group, or mobilehome park, or to inform the public as to the use of a lawful parking area, recreation area, or other open use permitted in the district. The term may include bulletin boards for churches or auditoriums.

Sign, Pedestrian. "Pedestrian sign" means any lettered, figured, or pictorial matter or device which is oriented towards pedestrian traffic and serves to identify and indicate pertinent facts concerning a business or professional service lawfully conducted on the same premises.

Sign, Political. "Political sign" means a sign placed on the premises for the sole purpose of advocating the election of a declared candidate for public office, or relating to an election proposition on the ballot.

Sign, Projecting. "Projecting sign" means a sign which projects twelve (12) inches or more beyond the wall or other vertical surface of the building or structure to which it is attached.



Sign, Sale or Lease. "Sale or lease sign" means a sign which serves exclusively to indicate, with pertinent information the offer for sale or lease of the real property or premises upon which it is located, or the original sale or lease of the real property in a tract or subdivision upon which the sign is located. A directional tract sign when not located in the tract or subdivision shall not be deemed to be a sale or lease sign.

Sign, Service Station Price. "Service station price sign" means a sign indicating gasoline prices and available services when accessory to an existing service station.

Sign, Shopping Center Master Identification. "Shopping center master identification sign" means an on-site identification sign for a shopping center.

Sign, Subdivision Sale, Rent or Lease. "Subdivision sale, rent or lease sign" means a temporary sign located within the boundaries of a subdivision to advertise the original sale, rental, or lease of building lots or dwellings.

Sign, Wall. "Wall sign" means a sign attached to, erected against or painted on a building or similar structure, and not extending above or outward from the building face or parapet or structural canopy more than twelve (12) inches. Additionally, signs not extending more than thirty (30) inches from a wall parapet or roof, located below the height of the roof of the building to which they are affixed, may be considered a wall sign if approved by site development review pursuant to Section 17.54.210 of this title.

Sign, Wind. "Wind sign" means flags, banners, pennants or other similar devices which consist of any material made in any shape, which are fastened together or placed in such manner as to move by wind pressure.

"SRO (single room occupancy) facility" means a building containing six or more SRO units or guestrooms, designed for occupancy of no more than two persons, and which is intended, designed, or is used as a primary residence by guests.

"SRO (single room occupancy) unit" means a room that is used, intended or designed to be used by no more than two persons as a primary residence, but which lacks either or both a self-contained kitchen or bathroom.

"Storage garage" means a building or portion of a building available to the general public for the storage of personal property as distinguished from any property stored prior to sale or distribution in conjunction with a business enterprise.

"Story" means that portion of a building included between the upper surface of any floor and the upper 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 the finished floor level directly above a basement, cellar, or unused underfloor space is more than six feet above grade as defined herein, or more than fifty (50) percent of the total perimeter, or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar, or unused underfloor space shall be considered a story.

"Street" means a public thoroughfare improved and maintained by the state, the county or city, or thoroughfare the design and improvement of which has been approved by the planning director, which affords the principal means of access to abutting property. (See also Lane)

"Structural alteration" means any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

"Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

"Superstore" means a single business establishment engaged in retail sales to the general public whose total sales floor area exceeds one hundred thousand (100,000) square feet and that devotes more than ten percent of sales floor area to the sale of non-taxable merchandise. This definition excludes wholesale clubs or other business establishments selling primarily bulk merchandise and charging membership dues or otherwise restricting merchandise sales to customers paying a periodic access fee.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the "target population", and that is linked to onsite or offsite services that assist 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.

"Target population" means persons with Low Income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (California Welfare and Institutions Code, section 4500 et seq.) and may include, among other populations, adults, emancipated youth, families, families with children, elderly

persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

"Tasting room, on-site" means an establishment where wine, beer, or olive oil produced on the premises are served to the public for on-site consumption; also may include offsales of beer, wine or olive oil produced on the premises.

"Tavern" means any premises where alcoholic beverages are offered for sale for consumption on the premises as its principal function, including: restaurants having a separate bar or lounge area; a restaurant with a bar located within the restaurant seating area; a restaurant which offers "happy hour" for alcoholic beverages or where alcohol sales are in any way promoted; or, a restaurant which advertises the sale of alcohol in any way other than on the menu; a winery, pursuant to its definition in this section, is exempted.

"Tent" means an accessory structure, enclosure, or shelter constructed of fabric or pliable material supported in any manner except by air or the contents it protects.

"Transitional housing" and "transitional housing development" mean buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

"Travel trailer" means a vehicle other than a motor vehicle, which is designed or used for human habitation and which may be moved upon a public highway without a special permit without violating any provision of the Vehicle Code.

"Two-family dwelling" means a building containing two and only two dwelling units.

"Unattended collection box" means any unattended container, receptacle, or similar device that is located on any property within unincorporated Alameda County, used for soliciting and collecting items of clothing or other salvageable personal property. This term does not include recycle bins for the collection of recyclable materials governed or regulated pursuant to the Alameda County General Ordinance Code.

"Use" means the purpose for which land or premises or a building is designed, arranged or intended, or for which it is or may be occupied or maintained let or leased.

"Useable open space" means the area on a building site designed and reserved for outdoor living, recreation, pedestrian access and planting, calculated pursuant to Section 17.52.390.

"Winery" means a commercial, bonded facility for the fermentation and processing of grapes or other produce into wine, or the refermentation of still wine into sparkling wine.

"Winery (or olive oil mill) related uses" means various uses accessory to a winery (olive oil mill) which must be clearly incidental and subordinate to the primary winery (olive oil mill) use. The term includes various temporary, cultural and social events (catered banquets, receptions, concerts, food and wine festivals, races, etc.) that would not compromise the primary agricultural or appearance of the property. The term includes wine (olive oil) marketing activities that are otherwise disallowed by the definition of winery or olive oil mill. The term includes up to two overnight room accommodations for use by winery (olive oil mill) business associates.

"Yard" means any space on the same lot with a building which space is open and unobstructed from the ground upward except as otherwise provided in Section 17.52.330 for required yards.

Yard, Front. The measurement of the required depth of a front yard, or the required width of the street side yard of a corner lot, shall be horizontal and inward from the street lot line at a right angle; provided, however, that where any street's official right-of-way line, or any future width line pursuant to Chapter 17.100, traverses the building site, the measurement here specified shall be taken from such right-of-way line, such future width line, or from the street lot line, whichever line is located a greater distance from the center line of the street. Through lots have two front lot lines, from each of which a front yard shall be measured.

Yard, Rear. The required rear yard is the horizontal measurement inward from the rear lot line at a right angle. Where the side lot lines converge, or nearly converge, a line ten feet long within the lot, parallel to the front lot line and at a maximum distance therefrom shall be deemed to be the rear lot line for the purposes of this section. The rear yard shall extend across the full width of the rear of the building site.

Yard, Required. "Required yard" means that portion of any yard which fulfills the yard requirements of this title; or in the case of an existing deficiency, all of such existing deficient yard.

Yard, Side. The required side yard is the horizontal measurement inward from the side lot line at a right angle. The required width of a street side yard shall be the horizontal measurement inward and at a right angle from the street lot line. The side yard shall extend along the side lot line from the front lot line to the rear lot line.

## Chapter 17.08 - R-1 DISTRICTS

### Sections:

#### 17.08.010 - Single-family residence districts—Intent.

Single-family residence districts, hereinafter designated as R-1 districts, are established to provide for and protect established neighborhoods of one-family dwellings, and to provide space in suitable locations for additional development of this kind, together with appropriate community facilities and allowance for restricted interim cultivation of the soil compatible with such low-density residential development.

(Prior gen. code § 8-26.0)

#### 17.08.015 - Single-family residence districts—Reference to Residential Design Standards and Guidelines.

Residential development within the R-1 districts located within the planning areas of San Lorenzo, Ashland, Cherryland, Fairview, or Castro Valley (areas within the Castro Valley Urbanized Area) shall be subject to the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended. On matters not provided for in the Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County, the respective regulations in this zoning ordinance shall apply.

[\(Ord. No. 2014-39, § 1, 10-7-14, eff. 1-1-15\)](#)

#### 17.08.020 - Map designations.

Every parcel designated on the zoning map as being in the R-E district, as well as every parcel designated as being in a R-1 district, shall be subject to these regulations for a single-family residence district, and shall be designated R-1 upon any revised zoning map.

(Prior gen. code § 8-26.1)

#### 17.08.030 - Permitted uses.

The following principal uses are permitted in an R-1 district:

- A. One one-family dwelling;
- B. Field crop, orchard, garden.
- C. In Castro Valley (areas within the Castro Valley Urbanized Area), Small family day cares and large family day cares.

(Prior gen. code § 8-26.2)

17.08.040 - Conditional uses.

In addition to the uses listed in Sections 17.52.480 and 17.52.580, the following are conditional uses in an R-1 district, and shall be permitted only if approved by the board of zoning adjustments as provided in Section 17.54.130:

- A. Community facility;
- B. Community clubhouse;
- C. Parking lot, only when established to fulfill the residential parking requirements of this title for a use on an abutting lot or lots;
- D. Plant nursery or greenhouse used only for the cultivation and wholesale of plant materials;
- E. Medical or residential care facility for seven or more persons per unit as regulated in Section 17.54.133 (Conditional uses—Residential, medical care, transitional and supportive housing facilities);
- F. Licensed transitional or supportive housing for seven or more persons per unit as regulated in Section 17.54.133 (Conditional uses—Residential, medical care, transitional and supportive housing facilities);
- G. Mobilehome parks subject to the provisions provided in sections 17.52.1000 to 17.52.1065; and
- H. Unattended collection box(es) placed in conjunction with an approved community facility as defined in Section 17.04.010.

(Ord. 2002-60 § 1 (part); prior gen. code § 8-26.3)

[\(Ord. No. 2013-26, § 3, 7-16-13\)](#)

17.08.050 - Accessory buildings and accessory uses.

(See Sections 17.52.180—17.52.320, 17.52.470 and 17.52.730.)

(Prior gen. code § 8-26.4)

17.08.060 - Building site.

Except as otherwise specified in the case of a combining district, every use in an R-1 district shall be on a building site having a median lot width not less than fifty (50) feet and an area not less than five thousand (5,000) square feet. A corner building site shall have a median lot width of not less than sixty (60) feet.

(Prior gen. code § 8-26.5)

17.08.070 - Yards.

Except as otherwise specified in the case of a combining district, the minimum requirements for yards in R-1 districts shall be as follows, subject to the provisions of Section 17.52.330:

- A. Depth of front yard: Twenty (20) feet;
- B. Depth of rear yard: Twenty (20) feet;
- C. Width of side yards: not less than five feet plus one foot for each full ten feet by which the median lot width exceeds fifty (50) feet up to a maximum requirement of ten feet, except that in every case the side yard on the street side of a corner lot shall have a width not less than ten feet.

(Prior gen. code § 8-26.6)

17.08.080 - Yards—Alternate provision of rear yard.

Section 17.08.070 notwithstanding, a rear yard may have a depth of not less than ten feet if that portion of the rear yard less than twenty (20) feet in depth is compensated by open area within the same or adjacent yards on the same building site that exceed side and rear yard requirements by an area at least equal to extent of building coverage of the twenty (20) foot, rear yard. Said compensating area shall be considered a required yard in accordance with Section 17.52.330.

(Prior gen. code § 8-26.6.1)

17.08.090 - Yards—Dwelling facing side yard.

No dwelling shall be so oriented upon a lot in an R-1 district as to have its front or living room entrance opening into a side yard less than ten feet wide, extending from said entrance to the front yard.

(Prior gen. code § 8-26.7)

17.08.100 - Height of buildings.

No dwelling shall have a height of more than two stories, except as provided by Section 17.52.090 nor shall any building or structure have a height in excess of twenty-five (25) feet, except as provided for in this section and by Section 17.52.090. Provided the parcel has a median lot depth of at least one hundred (100) feet, a median lot width of at least seventy (70) feet, and effective lot frontage of at least fifty (50) feet, the height of a dwelling may be increased by two feet for each full ten feet than the median lot width exceeds seventy (70) feet up to a maximum height of thirty (30) feet.

(Ord. 97-70 § 1: prior gen. code § 8-26.8)

**17.08.110 – Floor Area Ratio.**

**A. In Castro Valley only (areas within the Castro Valley Urbanized Area) the maximum floor area ratio for a one-family dwelling shall be as follows:**

<b>Lot Size<sup>1</sup></b>	<b>Maximum FAR Formula<sup>2</sup></b>	<b>Max. FAR (SF<sup>2</sup>)</b>	<b>Notes</b>
At 5,000 SF	.5 FAR	2,500 SF	SDR required to exceed Max SF <sup>2</sup>
5,001 – 9,999 SF	0.3 FAR for every SF of lot area above 5,000, plus 2,500 SF	3,500 SF	SDR required to exceed Max SF <sup>2</sup>

10,000 – 20,000 SF	0.40 or 4,500 SF, whichever is less	4,500 SF	SDR required to exceed Max SF <sup>2</sup>
20,000+ SF	0.10 FAR, plus 2,500 SF, or 10,000 SF whichever is less	10,000 SF	SDR required to exceed Max SF <sup>2</sup>
<ol style="list-style-type: none"> <li>1. Portions of a lot included in private street easements shall be excluded from lot size calculation when determining floor area ratio.</li> <li>2. Floor Area Ratio (FAR) is the total square feet of floor area divided by the total square feet of lot area. Floor area excludes areas devoted to parking, garages and covered porches/patios, and areas located below finished grade, if the ceiling does not extend more than five feet above finished grade.</li> </ol>			

**B. Site Development Review Required.** New construction or additions which would exceed the maximum floor area ratio or maximum square footage as provided above, may be considered and are subject to Site Development Review. The Castro Valley Municipal Advisory Council shall review any the request and make a recommendation to the Planning Director.

## Chapter 17.14 - R-3 DISTRICTS

### Sections:

#### 17.14.010 - Four-family dwelling districts.

Four-family districts, hereinafter designated as R-3 districts, are established to provide for and protect the development of a limited type of multiple dwelling in areas found to be suitable for such use.

(Prior gen. code § 8-29.0)

#### 17.14.015 - Four-family dwelling districts—Reference to Residential Design Standards and Guidelines.

Residential development within the R-3 districts located within the planning areas of San Lorenzo, Ashland, Cherryland, Fairview, or Castro Valley (areas within the Castro Valley Urbanized Area) shall be subject to the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended. On matters not provided for in the Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County, the respective regulations in this zoning ordinance shall apply.

([Ord. No. 2014-39, § 5, 10-7-14, eff. 1-1-15](#))

#### 17.14.020 - Permitted uses.

The following principal uses are permitted in an R-3 district:

- A. One-family dwelling, two-family dwelling, multiple dwelling, or dwelling group, up to a total not to exceed four dwelling units;
- B. Field crop, orchard or garden;
- C. Medical or residential care facility for up to six persons per unit; and
- D. Licensed transitional or supportive housing for up to six persons per unit; and

**E. In Castro Valley (areas within the Castro Valley Urbanized Area), Small family day cares and large family day cares.**

(Prior gen. code § 8-29.1)

17.14.025 - Conditional uses—Planning commission.

The following are conditional uses and shall be permitted in an R-3 district only if approved by the planning commission, sitting as a board of zoning adjustments, as provided in Sections 17.54.135 and 17.14.010:

- A. Hospital.

(Ord. 2000-53 § 1 (part))

([Ord. No. 2010-71](#), § 21, 12-21-10)

17.14.030 - Conditional uses—Board of zoning adjustments.

In addition to the uses listed for Sections 17.52.480 and 17.52.580, the following are conditional uses in R-3 districts, and shall be permitted only if approved by the board of zoning adjustments as provided in Section 17.54.130:

- A. Community facility;
- B. Community clubhouse;
- C. **In Castro Valley (areas within the Castro Valley Urbanized Area), Day care centers.**
- D. Medical or residential care facility for seven or more persons as regulated in Section 17.54.133 (Conditional uses—Residential, medical care, transitional and supportive housing facilities);
- E. Plant nursery, or greenhouse used only for the cultivation of plant materials;
- F. Parking lot, as regulated in Section 17.08.040C;
- G. Licensed transitional and supportive housing for seven or more persons per unit as regulated in Section 17.54.133 (Conditional uses—Residential, medical care, transitional and supportive housing facilities);
- H. Mobile home parks subject to the provisions provided in Sections 17.52.1000 to 17.52.1065; and
- I. Unattended collection box(es) placed in conjunction with an approved community facility as defined in Section 17.04.010.

(Ord. 2002-60 § 1 (part); Ord. 2000-53 § 1 (part); prior gen. code § 8-29.2)

([Ord. No. 2013-26, § 6, 7-16-13](#))

17.14.040 - Density limitations.

The number of dwelling units on a lot or building site in an R-3 district shall not exceed one for each full two thousand (2,000) square feet of the area thereof, or be in any case more than four.

Exception- In Castro Valley (areas within the Castro Valley Urbanized Area), the four unit per lot maximum does not apply. The maximum units on a lot in Castro Valley is limited to one for each full two thousand (2,000) square feet.

(Prior gen. code § 8-29.3)

#### 17.14.050 - Building site.

Except as otherwise specified in the case of a combining district, every use in an R-3 district shall be on a building site having a median lot width not less than fifty (50) feet and an area not less than five thousand (5,000) square feet. A corner building site shall have a median lot width of not less than sixty (60) feet.

(Prior gen. code § 8-29.4)

#### 17.14.060 - Yards.

Except as otherwise required in the case of a combining district, the minimum requirements for yards in an R-3 district shall be as follows, subject to the general provisions of Section 17.52.330:

- A. Depth of front yard: Not less than twenty (20) feet;
- B. Depth of rear yard: Not less than twenty (20) feet;
- C. Width of side yard: Not less than five feet plus one foot for each full ten feet by which the median lot width exceeds fifty (50) feet up to a maximum requirement of ten feet, but in no case less than six feet for an interior side yard or less than ten feet on the street side of a corner lot, or less than required by Section 17.14.080.

(Prior gen. code § 8-29.5)

(Ord. No. 2010-71, § 22, 12-21-10)

#### 17.14.070 - Height of buildings.

No dwelling shall have a height of more than two stories, except as provided by Section 17.52.090; nor shall any building or structure have a height in excess of twenty-five (25) feet, except as provided by Section 17.52.090.

(Prior gen. code § 8-29.6)

#### 17.14.080 - Other regulations.

The following regulations shall also apply in R-3 districts:

- A. At least one side yard shall have a width not less than fifteen (15) feet in the case of a four-family dwelling and no multiple dwelling shall be so oriented upon a lot as to have its main or living room entrance opening into a side yard less than twenty (20) feet wide;
- B. No dwelling shall be located to the rear of another dwelling on the same building site unless one side yard is at least fifteen (15) feet wide, except in the case of a dwelling group arranged around



three sides, or on two opposite sides of an open unoccupied space other than a side yard, having a width not less than twenty-five (25) feet and extending to the front lot line;

- C. No dwelling shall be located less than twenty (20) feet from any other dwelling on the lot, and none of such minimum required space shall be used as parking space;
- D. The minimum width of access driveway shall be as required by Section 17.52.790;
- E. The minimum setback from access driveway shall be as required by Section 17.52.800. (See also Section 17.52.470)

(Prior gen. code § 8-29.8)

([Ord. No. 2010-71](#), § 23, 12-21-10)

## Chapter 17.18 - PD DISTRICTS

### Sections:

#### 17.18.010 - Planned development districts—Intent.

Planned development districts, hereinafter designated as PD districts, are established to encourage the arrangement of a compatible variety of uses on suitable lands in such a manner that the resulting development will:

- A. Be in accord with the policies of the General Plan of the county;
- B. Provide efficient use of the land that includes preservation of significant open areas and natural and topographic landscape features with minimum alteration of natural land forms;
- C. Provide an environment that will encourage the use of common open areas for neighborhood or community activities and other amenities;
- D. Be compatible with and enhance the development of the general area;
- E. Create an attractive, efficient and safe environment.

(Ord. 2006-36 § 1 (part): Prior gen. code § 8-31.0)

#### 17.18.015 - Planned development districts—Reference to Residential Design Standards and Guidelines.

Residential development and mixed-use residential development within the PD districts located within the planning areas of San Lorenzo, Ashland, Cherryland, Fairview, or Castro Valley (areas within the Castro

Valley Urbanized Area) shall be subject to the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended. On matters not provided for in the Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County, the respective regulations in this zoning ordinance shall apply.

[\(Ord. No. 2014-39, § 7, 10-7-14, eff. 1-1-15\)](#)

#### 17.18.020 - Change in zoning district required.

The provisions of this chapter shall become applicable to any given development only upon change in zoning district to a planned development district in accordance with the provisions of Chapter 17.54 of this title, with the following exceptions to the provisions of said Chapter 17.54:

- A. The determination that the proposal will benefit the public necessity, convenience and general welfare shall be based in part on the conformance of the proposal with the provisions of this chapter.
- B. Any change in zoning district accomplished in accordance with this chapter is subject to review by the planning commission at the expiration of two years from the effective date of said change, if during the two year period construction in accordance with the approved plan is not commenced or if the approved staging plan has not been followed. At the conclusion of the review by the planning commission, the planning commission may recommend to the Board of Supervisors that the lands affected by the planned development district be rezoned from the planned development district. Said hearings by the planning commission and the Board of Supervisors shall be in accordance with the provisions of this title.
- C. A planned development district shall be established by the adoption of an ordinance by the Board of Supervisors reclassifying the described property to a planned development district and adopting by reference, a land use and development plan, the provisions of which shall constitute the regulations for the use, improvement and maintenance of the property within the boundaries of the plan.

(Ord. 2006-36 § 1 (part): Ord. 2004-61 § 1 (part): prior gen. code § 8-31.2)

[\(Ord. No. 2010-71, § 34, 12-21-10\)](#)

#### 17.18.030 - Preliminary plan—Application.

Where the parcel or parcels for which an applicant is requesting a change in zoning district to a planned development district totals one acre or smaller in area, the applicant shall submit a preliminary land use and development plan to the planning commission, which will allow formal consideration of the concept of development prior to detailed design. For all other requests for a change in zoning to a planned development district, the applicant may, prior to submitting an application for change, submit a preliminary land use and development plan for commission review.

(Ord. 2006-36 § 1 (part): Prior gen. code § 8-31.3)

#### 17.18.040 - Preliminary plan—Professional services required.

The preliminary plan shall contain certifications that a civil engineer, a landscape architect and an architect or a registered building designer have participated in the preparation of the preliminary plan.

(Ord. 2006-36 § 1 (part): Prior gen. code § 8-31.4)

17.18.050 - Preliminary plan—Information required.

The preliminary plan shall be in the form specified by the planning commission.

(Ord. 2006-36 § 1 (part): Prior gen. code § 8-31.5)

17.18.060 - Preliminary plan—Notice to the public.

Upon receipt of a preliminary plan in the form specified by the planning commission notice of hearing shall be given pursuant to Section 17.54.830.

(Ord. 2006-36 § 1 (part): Prior gen. code § 8-31.7)

(Ord. No. 2009-17, § 3, 4-14-09)

17.18.070 - Preliminary plan—Action by the planning commission.

After consideration of the preliminary plan, the testimony at the public hearing, and the reports of any interested referral agency, the planning commission shall advise the applicant of its evaluation of the plan. This evaluation shall include statements regarding:

- A. Whether, in the opinion of the planning commission, the public interest would be best served by any planned development district within the subject area; and may include statements regarding:
  1. Whether, in the opinion of the planning commission, the intent and provisions of this district could be met by the development as indicated on the preliminary plan and if so, of the specific development objectives that would tend to render the proposal in compliance with these provisions, such as: maximum dwelling units permitted based on a refinement of the ranges found in the General Plan;
  2. Specified developmental objectives relative to particular characteristics of the site and its environs that should be obtained in the ultimate development.

(Ord. 2006-36 § 1 (part): Prior gen. code § 8-31.8)

17.18.080 - Land use and development plan—Persons authorized to prepare.

Same as provided in Section 17.18.040, except when rezoning is initiated by the Board of Supervisors or planning commission, in which case the plan will be prepared by the planning department.

(Ord. 2006-36 § 1 (part): Prior gen. code § 8-31.11)

17.18.090 - Land use and development plan—Information required.

The land use and development plan shall be in the form specified by the planning commission.

(Ord. 2006-36 § 1 (part): Prior gen. code § 8-31.12)

17.18.100 - Common areas—Provisions, ownership and maintenance.

Maintenance of all lands included within the plan not utilized for building sites, state and county roads and public uses shall be assured by recorded land agreements, covenants, proprietary control or other stated devices which attain this objective. The proposed method of assuring the maintenance of such lands shall be included as part of the land use and development plan.

(Ord. 2006-36 § 1 (part): Prior gen. code § 8-31.15)

17.18.110 - Land use and development plan—Action by the planning commission and the Board of Supervisors.

A land use and development plan shall be part of any reclassification action to the planned development district.

(Ord. 2006-36 § 1 (part): Prior gen. code § 8-31.16)

17.18.115 - Land use and development plan—Required findings.

The planning commission and the Board of Supervisors shall not approve any reclassification of property to a planned development district unless they can make all the following findings in the affirmative:

- A. The resulting development implements the applicable policies, objectives, principles, and goals of the county General Plan, area plans, and applicable specific plans;
- B. The parcel size, shape, property lines, and terrain are suitable for the proposed development;
- C. The resulting development is integrated and harmonious with and/or beneficial to the character and infrastructure of the surrounding area in terms of physical development and use;
- D. The development results in a higher quality design or site plan than would otherwise result from development of the property if subject to the existing zoning development and use standards; and
- E. In Castro Valley, there is no increase in density over that permitted by existing zoning standards. In other areas, any increase in density over that permitted by existing zoning standards shall either:
  1. Provide a positive relationship to adjacent land uses and densities;
  2. Provide affordable housing; or
  3. Provide a tangible public benefit, such as:
    - a. Substantial improvement to public infrastructure in the immediate area;
    - b. Public uses such as community centers, public parks, or open spaces; or
    - c. Additional impact fees (which may be achieved through development agreements) for which there might not otherwise be nexus on project impacts.
- F. In Castro Valley, there shall be no change to the Castro Valley General Plan land use designation as part of the Planned Development rezoning request.

In addition to the above findings, the planning commission and Board of Supervisors shall not approve any reclassification of property to a planned development district for residential developments greater than fifty (50) units unless they can make all the following additional findings in the affirmative:

- F. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and the density will not generate traffic in such amounts as to overload the street network outside the PD district;
- G. There will be no adverse fiscal impact to the county, specifically, but not limited to provision of services; and
- H. Each phase, if applicable, of the development, as well as the development as a whole, can exist as an independent unit capable of creating an environment of sustained desirability and stability.

(Ord. 2006-36 § 1 (part))

[\(Ord. No. 2010-71, § 35, 12-21-10\)](#)

17.18.120 - Land use and development plan shall control.

Any use of land within the boundaries of a planned development district adopted in accordance with the provisions of this chapter shall conform to the approved land use and development plan.

(Ord. 2006-36 § 1 (part): Ord. 2004-61 § 1 (part): prior gen. code § 8-31.17)

[\(Ord. No. 2010-71, § 36, 12-21-10\)](#)

17.18.130 - Modification of the land use and development plan.

If an applicant proposes a change to a land use and development plan approved by the Board of Supervisors in accordance with Section 17.18.020 of this chapter, the change may be permitted subject to securing a conditional use permit as provided by Section 17.54.135 of this title. For purposes of considering such a conditional use permit, in addition to the findings required by Section 17.54.135, the planning commission shall only authorize a conditional use permit if it finds that:

- A. The proposed change does not increase:
  - 1. The number of housing units beyond that permitted in the existing land use and development plan;
  - 2. The number of, or size of, structures;
  - 3. The number of, or size of, accessory structures;
  - 4. Signage (number and/or aggregate sign area); or
  - 5. The floor area ratio of the structures permitted in the existing land use and development plan.
- B. The original land use and development plan was approved less than five years ago;
- C. The proposed change does not reduce public infrastructure provided in the land use and development plan;
- D. The proposed change does not reduce public uses such as community centers, public parks or open spaces;
- E. The proposed change does not have an adverse financial impact on the county, including the provision of services;
- F. The proposed change does not involve uses not previously approved for the project.

The planning commission shall adopt a statement or resolution of findings for each criteria required for issuance of a conditional use permit. A planning commission decision pursuant to this section is subject to appeal pursuant to Section 17.54.670.

(Ord. 2006-36 § 1 (part): Ord. 2004-61 § 1 (part): prior gen. code § 8-31.18)

[\(Ord. No. O-2015-47, § 1, 9-29-15\)](#)

17.18.140 - Deposit to cover cost of inspections—Under deposit—Over deposit.

Prior to the installation of any improvements or prior to the issuance of any building permit for any structure within the boundaries of a land use and development plan approved by the Board of Supervisors in accordance with Section 17.18.020 of this chapter, there shall be deposited with the county treasurer, a sum in the amount estimated by the county building official as being sufficient to cover the cost of inspection for all improvements not requiring the issuance of any other permit by the provisions of the county building, electrical and plumbing codes. If the amount so deposited exceeds the actual cost to the county, the depositor shall be reimbursed for the balance remaining; if the actual cost of inspection exceeds the deposited amount, the building official shall withhold final inspection and approval of occupancy until there is deposited with the county treasurer an additional sum as estimated by the building official.

(Ord. 2006-36 § 1 (part): Prior gen. code § 8-31.19)

## Chapter 17.34 - C-O DISTRICTS

### Sections:

17.34.010 - Administrative office districts—Intent.

Administrative office districts, hereinafter designated as C-O districts, are established to provide for the location of offices for professional services and for business activities which are characterized by a low volume of direct consumer contact; and to encourage such development in a manner compatible with the uses in adjacent districts, with suitable open spaces, landscaping, and parking area. **In Castro Valley (areas within the Castro Valley Urbanized Area), this also includes retail, service, and small scale production uses.** C-O districts are typically situated in areas having convenient access from, but not directly on, main thoroughfares, and generally adjacent to a multiple residential development.

(Prior gen. code § 8-46.0)

[\(Ord. No. 2010-71, § 52, 12-21-10\)](#)

17.34.020 - Permitted uses.

The following principal uses are permitted in a C-O district when located within a building:

- A. Office or office building for the conduct of business, administrative or professional services, where these activities do not include the manufacture, storage, display except samples, or sale at retail of any merchandise on the premises; including but not limited to the following types of office occupancy: Accountant, advertising, architect, attorney, broker (stock and bond), business consultant, business management, chiroprapist, chiropractor, collecting agency, dentist, employment agency, engineer, finance, industrial management, insurance, landscape architect, loan agency, mortgage, optometrist, osteopath, philanthropic or charitable organization, physician, public utilities, real estate, sales representative, secretarial, social services, telephone answering, travel agent;
- B. Bank;
- C. Blue printing or other copying service;
- D. Medical laboratory, dental laboratory, and
- E. In Castro Valley (areas within the Castro Valley Urbanized Area), in addition to uses listed above, the following are also permitted:
  - 1. Personal service and retail uses permitted in the C-N Zone (see Subsections 17.36.020 A and B).
  - 2. Day Care Center subject to Section 17.52.XXX (Day Care Center in Castro Valley).
  - 3. Artisan/maker space.

(Ord. 2006-33 § 3 (part): Prior gen. code § 8-46.1)

[\(Ord. No. 2010-71, § 53, 12-21-10\)](#)

17.34.025 - Conditional uses—Planning commission.

The following are conditional uses and shall be permitted in a C-O district only if approved by the planning commission, sitting as a board of zoning adjustments, as provided in Sections 17.54.135 and 17.34.010:

- A. Church, library, school, hospital, clinic;
- B. Clubhouse, or rooms used by members or an organized club, lodge, union or society; and
- C. Unattended collection box(es) placed in conjunction with an approved community facility as defined in Section 17.04.010.

(Ord. 2006-33 § 3 (part): Ord. 2000-53 § 1 (part))

[\(Ord. No. 2013-26, § 8, 7-16-13\)](#)

17.34.030 - Conditional uses—Board of zoning adjustments.

In addition to the uses listed for Sections 17.52.480 and 17.52.580, the following are conditional uses in a C-O district and shall be permitted only if approved by the board of zoning adjustments as provided in Section 17.54.130:

- A. Pharmacy, limited to the sale of drugs and medical supplies, except in Castro Valley (areas within the Castro Valley Urbanized Area) where pharmacies are permitted (See Section 17.34.020.E., above);

- B. Restaurant or retail store which serves primarily the occupants of existing buildings in the same district, or their clients or patrons, except in Castro Valley (areas within the Castro Valley Urbanized Area) where restaurants and retail stores are permitted (See Section 17.34.020.E., above);
- C. Mobile outdoor business that directly serves the needs of the occupants of existing office commercial buildings or workers, patrons, or clients of businesses in the immediate vicinity;
- D. Research or development laboratory, except those engaged in manufacture of products for commercial sale or distribution and excluding any which produces or is found likely to produce any smoke, dust, odors, glare or vibrations observable outside the building or portion thereof in such use;
- E. Parking lot;
- F. Public utility substation, not including service yard, storage of materials or vehicles, or repair facilities.

(Ord. 2008-33 § 3; Ord. 2002-60 (part); Ord. 2000-53 § 1 (part); prior gen. code § 8-46.2)

[\(Ord. No. 2010-71](#), § 54, 12-21-10)

17.34.040 - Site development review.

Any structure one thousand (1,000) square feet or more or any construction aggregating one thousand (1,000) square feet or more placed since July 9, 1977, shall be subject to site development review pursuant to Section 17.54.210; unless zoning approval is granted upon the determination that the construction constitutes a minor project and that the building permit plans are in accord with the intent and objectives of the site development review procedure.

(Prior gen. code § 8-46.2.1)

17.34.050 - Building site.

Every use in a C-O district shall be on a building site having a median lot width not less than seventy (70) feet, and an area not less than ten thousand (10,000) square feet.

(Prior gen. code § 8-46.3)

17.34.060 - Yards.

The yard requirements in C-O districts shall be as follows, subject to the general provisions of Section 17.52.330:

- A. Depth of front yard: not less than twenty (20) feet;
- B. Depth of rear yard: not less than ten feet;
- C. Width of side yards: not less than ten feet.

(Prior gen. code § 8-46.4)

17.34.070 - Height of buildings.



Except as otherwise provided in Section 17.52.090, no building or structure in a C-O district shall have a height in excess of thirty-five (35) feet.

(Prior gen. code § 8-46.5)

#### 17.34.080 - Coverage limitations.

In C-O districts the aggregate ground coverage, calculated as provided in Section 17.52.380, shall not exceed fifty (50) percent of the area of the lot. All open portions shall be graded, drained and maintained continuously in a dust free condition, either by landscaping or by paving, to standards approved by the board of zoning adjustments.

(Ord. 2002-60 (part): Prior gen. code § 8-46.6)

#### 17.34.090 - Signs.

Signs permitted subject to Section 17.52.520.

- A. Type. Business signs.
- B. Size. Area of all signs not to exceed one square foot for each two lineal feet of either primary building frontage or secondary building frontage, up to a maximum of fifty (50) square feet for each business, provided, however, that each business is guaranteed twenty-five (25) square feet of sign area.
- C. Location. Wall signs only.
- D. Character. No sign shall be flashing or intermittent, contain moving parts, or be located so as to be directed towards lands in any adjacent R district, except pursuant to Section 17.52.515(A)(3) and in conformance with Section 17.54.226.

(Prior gen. code § 8-46.7)

(Ord. No. 2010-49, § 5, 9-14-10)

#### 17.34.100 - Office building master identification sign.

In addition to signs permitted by Section 17.34.090 but subject to Section 17.52.520 and as qualified below an office building may be permitted an office building master identification sign, subject to site development review pursuant to Section 17.54.210. The office building master identification sign shall be in architectural harmony with the design of the buildings intended to be identified, if wall-mounted by its design as an integral part of the wall of the building to which it is attached and if freestanding then limited to a low-profile sign not exceeding eight feet in height with its means of support concealed and located within a planter of appropriate dimension.

The office building master identification sign shall not exceed fifty (50) square feet in area, shall be permitted for office building which contains no less than four tenants or any institutional use, and the copy shall include only the name of the office complex or institutional use.

(Prior gen. code § 8-46.7.1)

[\(Ord. No. 2010-71, § 55, 12-21-10\)](#)

17.34.110 - Other regulations.

All uses in C-O districts shall conform to the performance standards of this title for M-P districts as set forth in Section 17.42.020.

(Prior gen. code § 8-46.8)

Chapter 17.36 - C-N DISTRICTS

**Sections:**

17.36.010 - Neighborhood business districts—Intent.

Neighborhood business districts, hereinafter designated C-N districts, are established to provide for the development of small convenience shopping and related facilities in areas which are predominantly residential, at locations where such facilities can be grouped without detriment and appropriately conditioned to promote and protect the intent of the district, and to protect them by excluding uses which would tend to reduce their effectiveness as a neighborhood service.

(Ord. 94-42 § 1 (part): prior gen. code § 8-47.0)

17.36.020 - Permitted uses.

The following principal uses are permitted in a C-N district.

- A. Bank, barber shop, beauty parlor, cleaning or laundry agency, restaurant, self-service laundry;
- B. Store for sale or retail of books, clothing, drugs, flowers, food, hardware, musical goods, photographic supplies, variety goods or household supplies, retail sales of auto parts, but not to include parts machining or any nonretail service;
- C. Office or office building;
- D. In Castro Valley (areas within the Castro Valley Urbanized Area), in addition to uses listed above, the following are also permitted:
  - 1. Community facilities subject to Section 17.52.XXX (Community Facilities in Castro Valley).
  - 2. Day Care Center subject to Section 17.52.XXX (Day Care Centers in Castro Valley).
  - 3. Artisan/maker space.

(Ord. 96-15 § 1 (part): prior gen. code § 8-47.1)

17.36.030 - Conditional uses.

In addition to the uses listed in Sections 17.52.480 and 17.52.580, the following are conditional uses in a C-N district and shall be permitted only if approved by the board of zoning adjustments as provided in Section 17.54.130:

- A. Public utility substation, not including service yard, storage of materials, or vehicles, or repair facilities;
- B. Parking lot; in Castro Valley (areas within the Castro Valley Urbanized Areas) parking lots are subject to the requirements of Section 17.52.XXX);
- C. Service station, Type A;
- D. Drive-in business; in Castro Valley (areas within the Castro Valley Urbanized Areas) drive-in business are subject to the requirements of Section 17.52.XXX);
- E. A facility retailing a variety of automotive parts and supplies which are installed and serviced on the site but does not include engine, transmission or differential rebuilding or body repair;
- F. Alcohol outlet;
- G. Indoor recreation facility.

(Ord. 2002-60 (part); Ord. 2002-18 § 1, 2001; Ord. 96-15 § 1 (part): Ord. 94-42 § 1 (part): prior gen. code § 8-47.2)

17.36.040 - Site development review.

Any structure one thousand (1,000) square feet or more or any construction aggregating one thousand (1,000) square feet or more placed since July 9, 1977, shall be subject to site development review pursuant to Section 17.54.210; unless zoning approval is granted upon the determination that the construction constitutes a minor project and that the building permit plans are in accord with the intent and objectives of the site development review procedure.

(Prior gen. code § 8-47.2.1)

17.36.050 - Yards.

The yard requirements in C-N districts shall be as follows, subject to the general provisions of Section 17.52.330:

- A. Depth of front yard: not less than twenty (20) feet;
- B. Depth of rear yard: none, except that where the abutting lot at the rear is in an R district there shall be rear yard having a depth not less than fifteen (15) feet;
- C. Width of side yard: none, except that where the abutting lot at the side is in any R district, there shall be side yard having a width not less than the minimum required in such R district and the side yard on the street side of a corner lot shall be not less than ten feet.

(Prior gen. code § 8-47.3)

17.36.060 - Height of building.

No building or structure in a C-N district shall have a height in excess of thirty-five (35) feet except as provided by Section 17.52.090.

(Prior gen. code § 8-47.4)

17.36.070 - Signs.

Signs permitted subject to Section 17.52.520.

- A. Type. Business signs.
- B. Size. Area of all signs not to exceed one square foot for each one lineal foot of either primary building frontage or secondary building frontage, up to a maximum of one hundred (100) square feet for each business; provided, however, that twenty-five (25) square feet is guaranteed to each business.
- C. Location. Wall signs only.
- D. Character. No sign shall be flashing or intermittent, contain moving parts, or be located so as to be directed towards lands in any adjacent R district, except pursuant to Section 17.52.515(A)(3) and in conformance with Section 17.54.226.

(Prior gen. code § 8-47.5)

(Ord. No. 2010-49, § 6, 9-14-10)

17.36.080 - Service station sign display structure.

Subject to Section 17.52.520, one service station sign display structure, thirty-two (32) square feet total area or when combined with the service station price sign permitted by Section 17.52.520P, sixty-four (64) square feet total for the entire structure.

Such sign shall not exceed six feet in height. The business sign portion shall be included as part of the aggregate sign area permitted on the property; however, the supporting members and design elements shall not be so included and the sign may be freestanding and may be located within a required yard. Every such sign shall be subject to site development review pursuant to Section 17.54.210.

(Prior gen. code § 8-47.5.1)

17.36.090 - Open uses excluded.

All principal uses permitted in C-N districts shall be conducted entirely within a building except a parking lot, an electrical substation, and the servicing of automobiles with gasoline, oil, air and water.

(Prior gen. code § 8-47.6)

17.36.100 - Other regulations.

A. All uses in C-N districts shall conform to the performance standards of this title for M-P districts as set forth in Section 17.42.020. (Prior gen. code § 8-47.7)

([Ord. No. 2010-71](#), § 56, 12-21-10)

## Chapter 17.40 - C-2 DISTRICTS

### **Sections:**

17.40.010 - General commercial districts—Intent.

General commercial districts, hereinafter designated as C-2 districts, are established to provide locations for relatively large areas containing facilities for a wide variety of business and commercial activities needed to serve the community, and to provide a place for the business uses excluded from the C-1 districts and to protect these areas from unsuitable activities of an industrial character.

(Prior gen. code § 8-49.0)

17.40.020 - Permitted uses.

The following principal uses are permitted in a C-2 district:

- A. Any principal use permitted in a C-O district, pursuant to Section 17.34.020, or a C-1 district pursuant to Section 17.38.020;
- B. Wholesale business, storage of household goods, storage garage;
- C. Contractor's office for businesses that are characterized by the installation of materials or equipment on the property of the purchaser; including interior storage of equipment and materials;
- D. Retail service shops, including cabinet shop, furniture repair and refinishing; upholstery of furniture and automobiles; residential appliance repair; business machine repair; small mechanical equipment and component parts repair and service; bicycle, motorcycle, lawnmower and locksmith shops; auto repair garage and tire recapping;
- E. Ambulance service; automobile rental; clinic, catering, job printing; interior decorating, tailoring, laboratory.
- F. **In Castro Valley (areas within the Castro Valley Urbanized Area), in addition to uses listed above, the following are also permitted:**
  - 1. **Artisan/maker space**

(Ord. 2006-33 § 4 (part): Prior gen. code § 8-49.1)

17.40.030 - Conditional uses—Board of zoning adjustments.

In addition to the uses listed in Sections 17.52.480 and 17.52.580, the following are conditional uses in C-2 districts and shall be permitted only if approved by the board of zoning adjustments as provided in Section 17.54.130:

- A. Animal hospital, kennel;
- B. Mortuary;
- C. Community facility;
- D. Drive-in theater, drive-in business; recreation facility;
- E. Service station, Type A and Type B;
- F. Automobile, camper, boat and trailer sales, storage or rental lot;
- G. Plant nursery including the sale of landscaping materials, excluding wet-mix concrete sales, providing all equipment supplies and merchandise other than plant materials are kept within a completely enclosed building;
- H. Auto sales and service agency;
- I. Advertising sign, provided that no single sign shall exceed three hundred (300) feet in area and no sign shall be flashing or intermittent, contain moving parts or be located so as to be directed towards lands in any adjacent R district, except pursuant to Section 17.52.515(A)(3) and in conformance with Section 17.54.226;
- J. Tavern;
- K. In-patient and out-patient health facilities as licensed by the State Department of Health Services;
- L. Tattoo studio;
- M. Alcohol outlets;
- N. Firearms sales;
- O. Trade school;

- P. Unattended collection box(es) placed in conjunction with an approved community facility as defined in Section 17.04.010;
- Q. Cannabis retailer, subject to and in compliance with Chapter 6.108 of this code;
- R. Combined cannabis operation, subject to and in compliance with Chapter 6.109 of this code.

(Ord. 2006-33 § 4 (part); Ord. 2002-60 (part); Ord. 2000-53 § 1 (part); Ord. 98-53 § 1 (part); Ord. 96-15 § 1 (part); Ord. 94-41 § 1 (part); prior gen. code § 8-48.2)

(Ord. No. 2010-49, § 7, 9-14-10; [Ord. No. 2010-71](#), § 58, 12-21-10; [Ord. No. 2013-26, § 9, 7-16-13](#); [Ord. No. 2017-35](#), § 2, 9-12-17; [Ord. No. 2018-23](#), § 2, 5-8-18; [Ord. No. 2019-23](#), § 2, 6-18-19)

#### 17.40.035 - Conditional uses—Planning commission.

The following are conditional uses and shall be permitted in a C-2 district only if approved by the planning commission, sitting as a board of zoning adjustments, as provided in Sections 17.54.135 and 17.40.010:

- A. Hospital;
- B. Adult entertainment activity provided, however, that no adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or closer than one thousand (1,000) feet to any other adult entertainment activity.
- C. Superstore.

(Ord. 2006-18 § 2 (part); Ord. 2000-53 § 1 (part))

#### 17.40.040 - Site development review.

Any structure one thousand (1,000) square feet or more or any construction aggregating one thousand (1,000) square feet or more placed since July 9, 1977, shall be subject to site development review pursuant to Section 17.54.210; unless zoning approval is granted upon the determination that the construction constitutes a minor project and that the building permit plans are in accord with the intent and objectives of the site development review procedure.

(Prior gen. code § 8-49.3)

#### 17.40.050 - Front yards.

Wherever a C-2 district terminates at the boundary of an R district or of any other C district except a C-2 district in the same block, the depth of front yard in that block shall be not less than is required in such abutting district.

(Prior gen. code § 8-49.4)

#### 17.40.060 - Side and rear yards.

On the street side of a corner lot in a C-2 district which abuts a key lot in any R district or in any other C district except a C-1 district, the width of the side yard shall be not less than one-half the depth of the

front yard required on such key lot. Where the side lot line of a lot in a C-2 district abuts a lot in any R district, there shall be provided a side yard along that line having a width not less than that required on such abutting lot. Where the rear lot line of a lot in a C-2 district abuts a lot in any R district, then there shall be provided a rear yard having a depth not less than six feet.

(Prior gen. code § 8-49.5)

17.40.070 - Height of building.

In a C-2 district, no building or structure shall have a height in excess of forty-five (45) feet, except as otherwise provided in Section 17.52.090.

(Prior gen. code § 8-49.6)

17.40.080 - Business signs.

Business signs are permitted subject to Sections 17.52.520 and 17.38.100.

(Prior gen. code § 8-49.6.1)

17.40.090 - Low profile sign.

A low profile sign is permitted in accordance with Section 17.38.110.

(Prior gen. code § 8-49.6.2)

17.40.100 - Shopping center master identification sign(s).

Shopping center master identification sign(s) are permitted subject to Section 17.52.520 and Section 17.38.110.

(Prior gen. code § 8-49.6.3)

17.40.110 - Office building master identification sign.

Office building master identification signs are permitted subject to Section 17.38.120.

(Prior gen. code § 8-49.6.4)

17.40.120 - Service sign display structure.

A service station sign display structure in accordance with Section 17.36.080 is permitted on a service station site in lieu of the low profile sign otherwise permitted.

(Prior gen. code § 8-49.6.5)

( [Ord. No. 2010-71](#), § 63, 12-21-10)



17.40.130 - Other regulations.

- A. All uses in C-2 districts shall conform to the performance standards of this title for M-P districts as set forth in Section 17.42.020.
- B. All principal uses in C-2 districts and all fabricating, processing or repair uses accessory thereto shall be conducted within a building, except an advertising sign, an automobile sales lot, the outdoor storage necessary and incidental to the uses described in Section 17.40.030(G), a parking lot, drive-in facility or a recreation facility. Except as a temporary use regulated by Section 17.52.480, use of a mobilehome is not permitted.

(Prior gen. code § 8-49.7)

DRAFT

## Chapter 17.51 – CASTRO VALLEY

### Sections:

- 17.51.010 – Hillside Overlay District
- 17.51.020 – Residential Small Lot District
- 17.51.030 – Residential Medium Density Family District
- 17.51.040 – Residential Mixed Density District
- 17.51.050 – Community Commercial District
- 17.51.060 – Public Facility District
- 17.51.070 – Open Space District-Natural
- 17.51.080 – Open Space District- Parks
- 17.51.090 – School District

### **17.51.010 – Hillside Overlay Districts.**

- A. **Intent.** The Hillside Overlay districts, hereinafter designated as H-O, are established, per the Castro Valley General Plan, in areas with steep slopes or near high fire hazard, to implement the purpose and intent of the Hillside Residential land use classification.
- B. **Applicability.** Unless otherwise noted, the requirements of this Section apply to all property located within an H-O district.
- C. **Design Standards and Guidelines.** Property located within the H-O district shall be subject to the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, as applicable to the base zoning district. On matters not provided for in the Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County, the respective regulations in this zoning ordinance shall apply. If there is a conflict between the Residential Design Guidelines and the requirements of this Section, or this Section is silent, the Residential Design Guidelines supersedes this Section.
- D. **Minimum Lot Size.**
  - 1. **Minimum lot size is based on the average slope of the parcel as follows:**
    - a. Average slope of 10 percent or less: 5,000 square foot minimum lot size
    - b. Average slope more than 10 percent, but less than or equal to 20 percent: 6,500 square foot minimum lot size
    - c. Average slope more than 20 percent, but less than or equal to 30 percent: 7,500 square foot minimum lot size
    - d. Average slope greater than 30 percent: 10,000 square foot minimum lot size
  - 2. **Minimum lot size calculations shall exclude:**
    - a. Any private streets, street parking spaces, access easements, stems, and driveways that serve more than one lot;
    - b. Riparian Areas as defined in the Residential Design Guidelines; and
    - c. Portions of the lot with slope over 30 percent slope. Exception, where entire lot has natural grade over 30%, development allowed subject to Site Development Review (SDR) in compliance with Section 17.54.210.

- E. Front Setback Adjustment for Parking. In order to reduce grading on lots where the average slope is more than 20 percent, required parking (including a private garage) may be located as close as five feet to the street property line, subject to Site Development Review in compliance with Subsection 17.54.210 (Site Development Review). Portions of the dwelling and accessory structures, other than the garage, shall comply with the setback requirements of the base zoning district.
- F. Entrances. Entrances must be proportionate to the scale of the façade and must be no taller than two-thirds of the building height.

#### **17.51.020 – Residential Small Lot Districts.**

- A. Intent. Residential Small Lot districts, hereinafter designated as RSL, are established to support infill projects of duplexes, small lot single-family detached units, and townhouses. The RSL district implements and is consistent with the Residential Small Lot land use classification of the Castro Valley General Plan.
- B. Design Standards and Guidelines. Residential projects within the RSL districts located within the planning areas of Castro Valley (areas within the Castro Valley Urbanized Area) are subject to the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, as applicable based on the proposed building type. On matters not provided for in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", the respective regulations in this zoning ordinance apply. If there is a conflict between the Residential Design Guidelines and the requirements of this Section, or this Section is silent, the Residential Design Guidelines applicable to the proposed building type supersedes this Section.
- C. Permitted uses. The following principal uses are permitted in a RSL district:
  - 1. One one-family dwelling, two-family dwelling, two one family dwelling, multiple dwelling;
  - 2. Licensed transitional or supportive housing for up to six persons, medical or residential care facility for up to six persons;
  - 3. Field crop, orchard, garden, and
  - 4. Small family day cares and large family day cares.
- D. Conditional uses. In addition to the uses listed in Sections 17.52.480 and 17.52.580, the following are conditional uses in RSL districts, and are permitted only if approved by the board of zoning adjustments as provided in Section 17.54.130:
  - 1. Community facilities;
  - 2. Parking lot, when established to fulfill the residential parking requirements for a use on an abutting lot or lots;
  - 3. Indoor plant nursery or greenhouse used only for the cultivation and wholesale of plant materials;
  - 4. Medical or residential care facility for seven or more persons unit as regulated in Section 17.54.133 (Conditional uses—Residential, medical care, transitional and supportive housing facilities);

5. Licensed transitional or supportive housing for seven or more persons per unit as regulated in Section 17.54.133 (Conditional uses—Residential, medical care, transitional and supportive housing facilities);
  6. Mobilehome parks subject to the provisions provided in Sections 17.52.1000 to 17.52.1065;
  7. Community clubhouse; and
  8. Unattended collection box(es) placed in conjunction with an approved community facility as defined in Section 17.04.010.
- E. Density Limitations. The density must not exceed seventeen (17) units per acre.
- F. Building site.
1. Every use in an RSL district must be on a building site with an area not less than two thousand five hundred (2,500) square feet and a median lot width not less than forty (40) feet.
  2. Lot Width Exceptions:
    - a. If small-lot single family homes with attached double loaded garages in front of the primary façade of the main building comply with parking location and design requirements in the "Residential design Standards and Guidelines for the Unincorporated Communities of West Alameda County", a lot width of thirty-five (35) feet is allowed. The lot width may be reduced to thirty (30) feet if garages are single-car wide, detached and/or accessed from an alley.
- G. Yards. The yard requirements in RSL districts are as follows, subject to the general provisions of Section 17.52.330:
1. Depth of front yard: Not less than fifteen (15) feet.
  2. Depth of rear yard: Not less than fifteen (15) feet.
  3. Width of side yard: Not less than four (4) feet.
- H. Height of buildings. Height must not exceed twenty-five (25) feet, except as provided by Section 17.52.090.
- I. Site development review. Site development review in compliance with Section 17.54.210 is required for residential projects with five (5) or more units possible.

### **17.51.030 – Residential Medium Density Family District.**

- A. Intent. Residential Medium Density Family Districts, hereinafter designated as RMF, are established to support medium density multi-family residential development in Castro Valley. The RMF district implements and is consistent with the Residential Medium Density Multifamily land use classification of the Castro Valley General Plan.
- B. Design Standards and Guidelines. Residential projects within the RMF districts located within the planning areas of Castro Valley (areas within the Castro Valley Urbanized Area) are subject to the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, as applicable based on the proposed building type. On matters not provided for in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", the respective regulations in this zoning ordinance apply. If there is a conflict between the Residential Design Guidelines and the requirements of this Section, or this Section is silent, the Residential Design Guidelines applicable to the proposed building type supersedes this Section, unless otherwise noted below.
- C. Permitted uses.
- The following principal uses are permitted in an RMF district:
1. Two-family dwelling, multiple dwelling or dwelling group;
  2. Field crop, orchard or garden;
  3. Licensed transitional or supportive housing for up to six persons, medical or residential care facility for up to six persons; and
  4. Small family day care and large family day care.
- D. Conditional uses—Planning commission.
- The following are conditional uses and must be permitted in an RMF district only if approved by the planning commission, sitting as a board of zoning adjustments, as provided in Sections 17.54.135 and 17.14.010:
1. Hospital; and
  2. Medical laboratory, dental laboratory.
- E. Conditional uses—Board of zoning adjustments.
- In addition to the uses listed for Sections 17.52.480 and 17.52.580, the following are conditional uses in RMF districts, and are permitted only if approved by the board of zoning adjustments as provided in Section 17.54.130:
1. Community facilities;
  2. Day Care Centers;
  3. Parking lot;
  4. Medical or residential care facility for seven or more persons as regulated in Section 17.54.133 (Conditional uses—Residential, medical care, transitional and supportive housing facilities);
  5. Community clubhouse;
  6. Plant nursey, or greenhouse used only for the cultivation of plant materials;

7. Licensed transitional and supportive housing for seven or more persons per unit as regulated in Section 17.54.133 (Conditional uses—Residential, medical care, transitional and supportive housing facilities);
  8. Mobilehome parks subject to the provisions provided in Sections 17.52.1000 to 17.52.1065; and
  9. Unattended collection box(es) placed in conjunction with an approved community facility as defined in Section 17.04.010.
- F. Density Limitations.  
The density must not exceed twenty-nine (29) dwelling units per acre. This standard supersedes the requirements of the “Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County” for townhomes and multi-family residential building types.
- G. Building site. Every use in an RMF district must be on a building site with a lot width of not less than fifty (50) feet and an area not less than five thousand (5,000) square feet. A corner building site must have a median lot width of not less than thirty (30) feet.
- H. Yards. The yard requirements in RMF districts are as follows, subject to the general provisions of Section 17.52.330. The standards in this subsection supersede the requirements of the “Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County” for multi-family residential building types only. Other building types must follow requirements in the “Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County”:
1. Depth of front yard: Not less than ten (10) feet.
  2. Depth of rear yard: Not less than fifteen (15) feet
  3. Width of side yard: Not less than five (5) feet or ten (10) feet on the street side of a corner lot, or less as required by Section 17.14.080. Townhomes shall have no side setback requirement where they share common walls.
- I. Height of buildings. Height must not exceed thirty-five (35) feet, except as otherwise provided in Section 17.52.090.
- J. Site Development Review. Site development review in compliance with Section 17.54.120 required for residential projects with five (5) or more units possible.

### **17.51.040 – Residential Mixed Density Districts.**

- A. Intent. Residential Mixed Density districts, hereinafter designated as RMX, are established to support a mixture of single family and multi-family residential development in areas close to the commercial business district. The RMX district implements and is consistent with the Residential Mixed Density land use classification of the Castro Valley General Plan.
- B. Design Standards and guidelines. Residential projects within the RMX districts located within the planning areas of Castro Valley (areas within the Castro Valley Urbanized Area) is subject to the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, as applicable based on the proposed building type. On matters not provided for in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," the respective regulations in this zoning ordinance apply. If there is a conflict between the Residential Design Guidelines and the requirements of this Section, or this Section is silent, the Residential Design Guidelines applicable to the proposed building type supersedes this Section, unless otherwise noted below.
- C. Permitted uses.  
The following principal uses are permitted in an RMX district:
1. One one-family dwelling, two-family dwelling, two one-family dwelling, multiple dwelling or dwelling group;
  2. Field crop, orchard or garden;
  3. Licensed transitional or supportive housing for up to six persons, medical or residential care facility for up to six persons; and
  4. Small family day care and large family day care.
- D. Conditional uses—Planning commission.  
The following are conditional uses and are permitted in an RMX district only if approved by the planning commission, sitting as a board of zoning adjustments, as provided in Sections 17.54.135 and 17.14.010:
1. Hospital; and
  2. Medical laboratory, dental laboratory.
- E. Conditional uses—Board of zoning adjustments.  
In addition to the uses listed for Sections 17.52.480 and 17.52.580, the following are conditional uses in RMX districts, and are permitted only if approved by the board of zoning adjustments as provided in Section 17.54.130:
1. Community facilities;
  2. Day Care Centers;
  3. Parking lot;
  4. Medical or residential care facility for seven or more persons as regulated in Section 17.54.133 (Conditional uses—Residential, medical care, transitional and supportive housing facilities);

5. Single room occupancy facility subject to the provisions of Section 17.54.134 (Conditional uses—Single room occupancy (SRO) facilities);
  6. Licensed transitional and supportive housing for seven or more persons per unit as regulated in Section 17.54.133 (Conditional uses—Residential, medical care, transitional and supportive housing facilities);
  7. Mobilehome parks subject to the provisions as regulated by Sections 17.52.1000 to 17.52.1065;
  8. Plan nursery, or greenhouse used only for the cultivation of plant materials;
  9. Community clubhouse; and
  10. Unattended collection box(es) placed in conjunction with an approved community facility as defined in Section 17.04.010.
- F. Density Limitations.
1. The density must not exceed twenty-nine (29) dwelling units per acre. The standards in this subsection supersede the requirements of the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County" for townhomes and multi-family residential building types only. Other building types must follow requirements in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County"
- G. Building site. Every use in an RMX district must be on a building site with a median lot width not less than fifty (50) feet and an area not less than five thousand (5,000) square feet. A corner building site must have a median lot width of not less than thirty (60) feet.
- H. Yards. The yard requirements in RMX districts are as follows, subject to the general provisions of Section 17.52.330. The standards in this subsection supersede the requirements of the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County" for multi-family residential building types only. Other building types must follow requirements in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County":
1. Depth of front yard: Not less than ten (10) feet.
  2. Depth of rear yard: Not less than ten (10) feet.
  3. Width of side yard: Not less than five (5) feet or ten (10) feet on the street side of a corner lot, or less as required by Section 17.14.080. Townhomes shall have no side setback requirement where they share common walls
- I. Height of buildings. Height must not exceed forty-five (45) feet , except as provided by Section 17.52.090. The standards in this subsection supersede the requirements of the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County" for multi-family residential building types only. Other building types must follow requirements in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County" if more restrictive.
- J. Site development review. Site development review in compliance with Section 17.54.210 required for residential projects with five (5) or more units possible.



### **17.51.050 – Community Commercial Districts.**

A. Intent. Community Commercial districts, hereinafter designated as CC, are established to provide a wide range of community-serving retail and commercial uses. The CC district implements and is consistent with the Community Commercial land use classification of the Castro Valley General Plan.

B. Permitted uses.

The following principal uses are permitted in a CC district:

1. Artisan/maker spaces;
2. Auto parts, retail (not to include parts machining or auto repair);
3. Business services; including but not limited to blue printing or other copying service, banks;
4. Community facilities;
5. Day Care Centers;
6. Office or office building;
7. Personal service establishment, personal service shop; including but not limited to barber shop, beauty parlor, dry cleaning, pharmacy, self-service laundry
8. Repair shop (non-automotive) including cameras, shoes, watches, and household appliances;
9. Retail sales, including but not limited to books, clothing, flowers, hardware, household supplies, food sales, travel gifts, and products produced by permitted use on the premises;
10. Restaurants ; and
11. Schools.

C. Conditional uses.

The following are conditional uses and are permitted in a CC district only if approved by the planning commission, sitting as a board of zoning adjustments, as regulated by Sections 17.54.135 and 17.34.010:

1. Animal hospital, kennel;
2. Alcohol sales for on or off-site consumption, except at full-service restaurants;
3. Clubhouse, or rooms used by members of an organized club, lodge, union or society;
4. Commercial recreation facility;
5. Community care facility;
6. Drive in and drive through businesses;
7. Funeral homes and mortuaries;
8. Indoor plant nurseries;
9. Indoor recreation facility;
10. Parking lot;
11. Public utility substation, not including service yard, storage of materials, or vehicles, or repair facilities;

12. Service station, Type A: or a facility retailing automotive parts and supplies which are installed and serviced on the site but does not include, engine, transmission or differential rebuilding or body repair; and
  13. Superstore (single business with area over one hundred thousand (100,000 square feet);
  14. Theaters.
- D. Floor Area Ratio . The floor area ratio shall not exceed one-and-a half (1.5).
- E. Yards. The yard requirements in CC districts are as follows, subject to the general provisions of Section 17.52.330:
1. Depth of front yard: there is no front yard requirement, with the exception of where a CC district terminates at the boundary of an R district or any other C district except a C-1 or C-2 district in the same block, the depth of front yard in that block shall be not less than is required in abutting district.
  2. Depth of rear yard: none, except that where the abutting lot at the side is in any R district, the depth of the rear yard must be not less than six (6) feet.
  3. Width of side yard: none, except that where the abutting lot at the side is in any R district the side yard along that line shall be a width is greater than abutting R building site.
- F. Height of buildings. Height must not exceed forty-five (45) feet, except as otherwise provided in Section 17.52.090. If a building is situated within fifty (50) feet of the boundary line of an R district other than RMF or RMX, the height must be no more than thirty-five (35) feet.
- G. Public Open Space. On sites 1 acre or larger, minimum 5 percent of the site must be devoted to public open space subject to the following standards:
1. Public open space includes courtyards, patios, plazas, public outdoor seating areas, natural open space, public access to roof top open space, artwork, planted areas, and plazas.
  2. Public open space must be designed as an integral part of the overall site plan and enhance the building design, public views, and transitions to adjacent uses.
  3. Parking lots, parking lot landscaping, buildings, exterior hallways, and stairways do not qualify as open space.
  4. All public open space areas shall be maintained by the property owner.
- H. Site development review. Any building greater or equal to one thousand (1,000) square feet or any construction aggregating greater or equal to one thousand (1,000) square feet placed since July 9, 1977, is subject to site development review in compliance with Section 17.54.210; unless zoning approval is granted upon the determination that the construction constitutes a minor project and that the building permit plans are in compliance with the intent and objectives of the site development review procedure in Section 17.38.070.
- I. Signs. Signs permitted subject to same requirements for signs in the C-1 Zone, in Section 17.38.100 through 17.38.150, in conformance with Section 17.52.520.

## **17.51.060 – Public Facility Districts.**

A. **Intent.** Public Facility districts, hereinafter designated as PF, are established to support existing and proposed public and institutional uses on publicly owned property, including publicly owned land with uses managed and/or operated by a non-profit entity. The PF district implements and is consistent with the Public Facilities land use classification of the Castro Valley General Plan.

B. **Permitted uses.**

The following principal uses are permitted in a PF district:

1. **Clinic;**
2. **Indoor recreation facility;**
3. **Office;**
4. **Orchard, garden;**
5. **Public or private riding or hiking trails;**
6. **Parking lot;**
7. **Public agency facilities;<sup>1</sup>**
8. **Public education facilities;<sup>1</sup>**
9. **Public school district facilities;<sup>1</sup>**
10. **Public transit stations;**
11. **Public utility and substation;**
12. **Radio and television transmission facilities;**
13. **Railroad or trucking terminal facility; and**
14. **Utility use.**

C. **Conditional uses.**

In addition to the uses listed in Sections 17.52.480 and 17.52.580, the following are conditional uses in PF districts, and are permitted only if approved by the board of zoning adjustments as provided in Section 17.54.130:

1. **Unattended collection box(es) placed in conjunction with an approved community facility as defined in Section 17.04.010.**

D. **Floor Area Ratio.** The floor area ratio shall not exceed one-and-a half (1.5).

E. **Yards** The yard requirements in PF districts are as follows, subject to the general provisions of Section 17.52.330:

1. **Depth of front yard: Not less than twenty (20) feet.**
2. **Depth of rear yard: Not less than twenty (20) feet.**
3. **Width of side yard: Not less than five (5) feet.**

F. **Height of buildings.** Height must not exceed forty-five (45) feet except as otherwise provided in Section 17.52.090.

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<sup>1</sup> Service yards, storage of commercial vehicles, or maintenance of large trucks or equipment exceeding 14,000 lbs Gross Vehicle Weight (GVW) are not permitted. Public safety equipment and vehicles are exempt.

G. Site development review. Site development review in compliance with Section 17.54.210 required for any project over 1,000 square feet.

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**17.51.070 – Open Space Districts - Natural.**

- A. Intent. Open Space-Natural districts, hereinafter designated as OS-N, are established to provide for natural open spaces that have been identified for permanent conservation, typically established as part of PUDs as permanent easements. The OS-N district implements and is consistent with the Open-Space-Natural land use classification of the Castro Valley General Plan.
- B. Permitted uses.
  - The following principal uses are permitted in an OS-N district:
    - 1. Trails, wildlife preserves, and open space uses that maintain the site in its natural state.
- C. No Net Loss. Concurrent with or prior to a rezoning of property from Open Space-Natural Zone to another zone, an area at least equivalent in size and providing greater habitat value than the subject Open Space-Natural Zone area shall be rezoned from another zone to the Open Space-Natural Zone.

**17.51.080 – Open Space Districts - Parks.**

- A. Intent. Open Space-Parks districts, hereinafter designed as OS-P, are established to provide for current and expected future locations for public parks of all sizes and types in the community. The OS-P district implements and is consistent with the Open-Space-Parks land use classification of the Castro Valley General Plan.
- B. Permitted uses.
  - The following principal uses are permitted in an OS-P district:
    - 1. Administrative support and service facilities of a public regional recreation district;
    - 2. Orchard, garden;
    - 3. Outdoor recreation facility; and
    - 4. Public or private riding or hiking trails.
- C. Conditional uses.
  - The following are conditional uses and are permitted in a OS-P district only if approved by the planning commission, sitting as a board of zoning adjustments, as provided in Sections 17.54.135 and 17.34.010
    - 1. Community facility; and
    - 2. Temporary uses.
- D. Height of buildings. Height must not exceed thirty (30) feet, except as otherwise provided in Section 17.52.090.

## **17.51.090 – School Districts.**

- A. Intent. School districts, hereinafter designed as SCV, are established to provide for publicly-owned or operated educational facilities of all sizes serving all age groups, and for sites owned or used by school districts for school related purposes, including operation by a private education facility. The SCV district implements and is consistent with the Schools land use classification of the Castro Valley General Plan.
- B. Permitted uses.  
The following principal uses are permitted in a SCV district:
1. Public educational facilities
  2. Schools, attendance at which satisfies the requirements of the Compulsory Education Law of state; and
  3. Community facilities
- C. Conditional use.  
The following are conditional uses and are permitted in an SCV district only if approved by the planning commission, sitting as a board of zoning adjustments, as provided in Sections 17.54.135 and 17.34.010:
- D. Unattended collection box(es) placed in conjunction with an approved community facility.  
Accessory uses.
1. Outdoor and Indoor recreation facility is an accessory use to a principal school use.
- E. Yards. The yard requirements in SCV districts are the same as those of adjacent zones, subject to the general provisions of Section 17.52.330.
- F. Height of buildings. The height must be the same as those of adjacent zones except as otherwise provided in Section 17.52.090.
- G. Property no longer needed for school purposes. Property in the SCV district determined to no longer be needed for educational purposes may be developed as residential uses pursuant to approval of a Planned Development District (Chapter 17.18, PD Districts) or adoption of a Specific Plan:
1. Density shall be equal to or lower than the surrounding residential units
  2. Any private development proposed on a former school site shall incorporate on site a feature intended to serve as a benefit to the community, such as a park, playground, trail easement, athletic field, public plaza, community meeting facility, or child care center.
    - a) The feature shall remain accessible to the public. The scale of the community benefit shall be commensurate with the size of the parcel and the intensity of the proposed development.
    - b) Decisions regarding the type of feature to be provided and its design shall take into consideration public input and shall be coordinated with relevant public entities that will be involved in its operation and maintenance

## Chapter 17.52 GENERAL REQUIREMENTS

### 17.52.XXX - Auto repair uses in Castro Valley.

- A. **Applicability.** The regulations set forth in this Section apply to auto repair uses, as well as any other use, such as auto dealerships or service stations, that perform auto servicing and repair as an accessory activity, within Castro Valley (areas within the Castro Valley Urbanized Area) and located directly adjacent to, or across the street from, a residential zone district.
- B. **Discretionary Review.**
1. An existing auto repair use may be expanded with approval by the Planning Director if total alterations result in no more than twenty (20) percent increase in the existing floor area of all buildings on a lot or lots.
  2. If total alterations to an existing auto repair use are greater than a twenty (20) percent increase in the existing floor area the application is subject to a Conditional Use Permit.
- C. **Operating requirements.**
1. Repair of automobiles must be performed within enclosed buildings only.
  2. Storage or display of a product, trash, parts, all goods for sale, other than those required for the operation and maintenance of automobiles must be in an enclosed building.
  3. Operation within the use must not be detrimental to adjoining properties through the creation of excessive dust, noise, odor, or other objectionable characteristic.
- D. **Lighting.** Exterior lighting must be hooded or shielded so that the light source is not directly visible to an adjacent residential zone district.
- E. **Landscaping.**
1. **Area.** A landscape area, a minimum width of five (5) feet, is required:
    - a. Along all street frontages of the lot or lots;
    - b. Within any yard adjacent to a residential zone district; and
    - c. On the perimeters of all parking areas that abut a residential zone district.
  2. **Area Exception.** The portion of the lot line where an access driveway is required by the County, as determined by the Planning Director, is exempt from the landscape area requirement.
  3. **Water Efficiency.** Landscaping must be consistent with Chapter 17.64 (Water Efficient Landscape Ordinance).
  4. **Maintenance.** All landscaping, vegetation, and plantings must be maintained in a healthful and thriving condition at all times.
    - a. Any damaged, dead, or decaying vegetation must be replaced by the equivalent vegetation of a size, form, and character which will be comparable at full growth.



- b. All landscaping must be adequately and efficiently irrigated. Irrigation systems and their components must be maintained in a fully functional manner.
- F. Site Maintenance. All areas of the site must be maintained free of debris, litter, graffiti or any inappropriate materials at all times. All asphalt, paving, and striping must be maintained in good repair to the satisfaction of the Planning Director.
- G. Parking and Screening.
- 1. Parking area and auto storage space must be screened from view of abutting residential property in compliance with Sections 17.52.410 through 17.52.460.
  - 2. Long-Term Overnight Parking. Any vehicle, recreational vehicle, towing vehicle, and other similar vehicle associated with auto use must not be parked or stored on-site in the front of the lot overnight for a period of longer than two days in any seven day period, unless enclosed within a structure, subject to active repair and maintenance by the business, or part of a display approved by the Planning Director.
  - 3. On-street parking may not be used to park or store vehicles associated with the use, including but not limited to: towing vehicles, recreational vehicles, vehicles that are under repair or waiting for pick up by the customer, or other similar vehicles.
- H. Automobile Sales Prohibited. Parking or storage of vehicles on-site for sales purposes is prohibited.

**17.52.XXX – Check Cashing Uses in Castro Valley.**

- A. Applicability. The regulations set forth in this Section apply to check cashing uses in Castro Valley (areas within the Castro Valley Urbanized Area).
- 1. Check cashing uses are uses, other than State or Federally chartered bank, credit union, mortgage lender, savings and loan association or industrial loan company, that offer deferred deposit transaction services or check cashing services and loans for payment of a percentage fee. A "check cashier" includes, but is not limited to, deferred deposit transaction (payday loan) business that makes loans upon assignment of wages received, check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, and motor vehicle title lenders who offer short-term loan secured by the title to motor vehicles. "Check cashier" or "check cashing activity" shall not include non-profit financial institutions or retail sellers engaged primarily in the business of selling consumer goods to retail buyers, that cash checks or issue money orders as a service to its customers that is incidental to its main purpose or business.
- B. Location. Check cashing uses must not be located within a radius of 1,500 feet of another check cashing use.
- C. Operating requirements.
- 1. The business shall have at least one certified uniformed security guard on duty at all times the business is open. The security guard shall patrol the interior and all exterior portions of the property under control of the owner or lessee including, but not limited to, parking lots and any open public spaces such as lobbies.
  - 2. Hours of Operation.

- a. Operation hours must be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday.
  - b. Patrons must be discouraged from loitering prior to, during and/or after hours. A minimum of one (1) no loitering sign must be installed and maintained where it will be most visible to pedestrians on each side of the building in which the activity is located including, but not limited to, street frontages and parking lots.
- D. Visibility. Storefronts must have glass or transparent glazing in the windows and doors. No more than ten (10) percent of any window or door may be covered by signs, banners, or opaque coverings of any kind. Law enforcement personnel must have a clear view of the entire public area in the premises from the public sidewalk. The business or property operator must replace or repair any windows or doors damaged by etching or graffiti.
- E. Lighting.
1. A lighting plan shall be reviewed and approved by the Planning Director prior to issuing building permits and installed prior to establishing the activity.
  2. Exterior lighting is required on all street frontages. Such lighting shall be designed to illuminate persons standing outside such that they can be identified fifty (50) feet away.
  3. Exterior lighting must be designed and maintained in a manner to prevent glare or direct illumination from intruding into any adjacent residential property.

#### **17.52.XXX – Day Care Centers in Castro Valley.**

- A. Applicability. This section establishes regulations for Day Care Centers in Castro Valley (areas within the Castro Valley Urbanized Area).
- B. Operating requirements
1. Noise. Facility must limit noise levels from exceeding a LdN level of 55 db at the lot lines.
  2. Hours of Operation must be limited to the hours of 6:30 a.m. to 6:00 p.m.
  3. Outdoor play time must be limited to the hours of 7:00 a.m. to 6:00 p.m.
  4. Playground apparatus (swings, jungle gym, etc.) must be located in the rear or side yards only.
- C. Lighting. On-site exterior lighting is allowed for safety purposes only, must consist of low wattage fixtures, and must be directed downward and shielded.
- D. Parking and Screening.
1. Day care centers must include one parking space per each two (2) employees, one space per company vehicle, and one space for every ten children at the facility.
  2. Parking, drop-off area. At least two (2) off-street parking spaces must be provided exclusively for dropping off and picking up children. Alternative parking and drop-off arrangements may be required by the Planning Director based on traffic and pedestrian safety considerations.

- a. If the driveway is the designated parking area for the day care center, the driveway must remain clear and available for customers during hours of operation.
  - b. A center located on a street with a speed limit of thirty (30) miles per hour or greater must provide a drop-off/pick-up area designed to prevent vehicles from backing onto the street (e.g. circular driveway).
3. All outdoor play area must be screened from view of street and any adjacent property owners through fencing and hedges in compliance with Sections 17.52.410 through 17.52.460.

### **17.52.XXX Community Facilities in Castro Valley.**

- A. Applicability. The regulations set forth in this Section apply to community facilities in Castro Valley (areas within the Castro Valley Urbanized Area).
- B. Additional Requirements when located in the C-N districts adjacent to a residential zone district.
1. Operating requirements.
    - a. Community facility uses must incorporate screening, buffers, and other features to minimize adverse visual or noise impacts of the use on adjacent properties.
    - b. Noise. The noise level of activities within community facility uses must not exceed a LdN level of 60 db when measured at the property line that is across the street from or abutting a parcel zoned residential.
  2. Parking and Screening.
    - a. Parking in the required front yard is prohibited.
    - b. Parking and loading areas must be screened from view of street and adjacent property owners with landscaping or other screening in compliance with Sections 17.52.410 through 17.52.460.
    - c. Outside Recreational Areas. All outdoor recreational areas must be screened from view of any adjacent residential uses through fencing and hedges in compliance with Sections 17.52.410 through 17.52.460.
- C. Accessory Uses. In Castro Valley (areas within the Castro Valley Urbanized Area), Day Care Centers are permitted as an accessory use within an existing community facility use, subject to the requirements of Section 17.52.XXX (Day Care Centers in Castro Valley).

### **17.52.XXX – Drive-in businesses in Castro Valley.**

- A. Applicability. The regulations set forth in this Section apply to drive-in businesses in the C-N districts in Castro Valley (areas within the Castro Valley Urbanized Area).
- B. Operating requirements.
1. Noise. Any drive-up or drive-through speaker system shall emit no more than sixty-five (65) decibels and at no time shall any speaker system be audible above daytime ambient noise levels beyond the property lines of the site. The system shall be designed to compensate for ambient noise levels in the immediate area.

2. Deliveries. All deliveries made to drive-in businesses located on sites adjacent to residential zones must be scheduled during non-commute hours and periods of low activity at the restaurant between 8:00 a.m. and 11:00 a.m. and from 2:00 p.m. to 5:00 p.m.

C. Drive-in lanes.

1. Drive-in lanes that are located less than 50 feet from residential uses must be separated from existing residential uses by buildings, and/or extensively landscaped areas or decorative block walls approved by the Planning director.
2. Drive-in lanes must be constructed with the necessary vehicle stacking capacity so that vehicles using the drive-in lane do not overflow into the on-site parking aisles, public street right-of-way or public streets.
3. Drive-in lanes must be shielded in a manner approved by the Planning director to eliminate vehicle headlight glare into adjoining land and on-coming traffic approaching the drive-in site property.

D. Accessways.

1. Each developed site must not have more than two accessways to any one street except that the Planning Director shall have the right to prescribe additional requirements if it is deemed necessary that a change in the location and number of accessways will reduce the possibilities of traffic hazards.
2. Pedestrian access shall be provided from each abutting street to the primary entrance with a continuous four (4' 0") foot-wide sidewalk or delineated walkway. Pedestrian walkways should not intersect the drive-through drive aisles, but where they do the walkways shall have clear visibility and shall be delineated by textured and colored paving.

- E. Lighting. All lighting or illuminated displays must be designed and maintained in a manner to prevent glare or direct illumination from intruding into any adjacent residential property.

- F. Restroom locations. All restrooms (if required) must be located in and accessed from the interior of the structure.

- G. Parking and Screening In addition to the requirements applicable to the zone district in which such use is located must also comply with the following:

1. On-site parking must be provided for each employee on duty. The peak employment period must be used to determine the number of employee parking spaces.
2. Drive-in restaurants must provide a minimum of two parking spaces for each 100 square feet of floor area.
3. All trash areas must be fully enclosed and constructed of a material which shall be in harmony with the architecture of the building. Provisions for adequate vehicular access to and from such areas for the collection of trash and garbage must be provided.

**17.52.XXX – Parking lots in Castro Valley.**

- A. Applicability. The regulations set forth in this Section apply to commercial parking lots in the C-N districts in Castro Valley (areas within the Castro Valley Urbanized Area).
- B. Lighting. Lighting of outdoor parking areas must be designed and maintained in a manner to prevent glare or direct illumination from intruding into any adjacent residential property. A minimum of one foot candle of illumination shall be provided throughout the parking area.
- C. Site Maintenance. The area must be kept free of debris and trash.
- D. Where pedestrian circulation crosses vehicular routes, a crosswalk, speed bumps, or signage must be provided to emphasize the conflict point and improve its visibility and safety.
- E. Parking and Screening.
  - a. Parking lots must incorporate screening, buffers, and other features to minimize adverse visual or noise impacts of the use on adjacent properties.
  - b. Parking facilities for six (6) or more vehicles must be screened from view by a wall or hedge minimum three (3) feet and maximum five (5) feet tall, except if located adjacent to a residential property district must the wall, or hedge must be a minimum six (6) feet and maximum eight (8) feet tall. The screening must be designed in such a manner to screen the parking from view and must not be closer than five (5) feet to the street lot line.
  - c. All new parking lots must be constructed with a landscaped buffer perimeter of no less than two (2) feet.
  - d. Overnight parking prohibited.

## Chapter 17.54 - PROCEDURES

### Sections:

#### 17.54.295 – Design Review in Castro Valley.

- A. The procedures set forth in this Section establishes the design review procedure for non-residential projects in Castro Valley (areas within the Castro Valley Urbanized Area).

B. Design review is required for all non-residential projects in Castro Valley (areas within the Castro Valley Urbanized Area) except projects exempt from Site Development Review.

C. The design review application shall be submitted as a part of the application for the site development permit, conditional use permit, or variance.

D. Design review responsibilities.

1. Recommendation. The Castro Valley Municipal Advisory Council shall review applications for Design Review and make a recommendation to the Planning Director for the subject project.

2. If the Planning Director is not the final review authority for the subject property, the Planning Director shall forward the Castro Valley Municipal Advisory Council's recommendation to the final review authority.

E. In granting design review approval, the review authority shall first make all of the following findings:

1. The proposed project would be harmonious and compatible with existing development and with the overall character of the area;

2. The location, size, design, and operating characteristics of the proposed project would promote the orderly growth of Castro Valley and would not be detrimental to the public interest, health, safety, convenience, or welfare of neighboring properties or to that of the overall community;

3. Site and architectural design and functional plan of the structure(s) and related improvements, including landscaping, are of reasonable aesthetic quality and implement the objectives of the Castro Valley General Plan;

4. Structure(s) and related improvements, including access and parking, are suitable for the proposed use of the property, consistent with the intent of the applicable zoning district, promote orderly development in the vicinity of the subject site, and provide adequate consideration of the existing and contemplated uses of land; and

5. The design and layout of the proposed project are consistent with the Castro Valley General Plan, the development standards of this Code, and any approved design guidelines.