

ORDINANCE NO. O-2024-XX

AN ORDINANCE AMENDING TITLE 17 – ZONING, OF THE ALAMEDA COUNTY MUNICIPAL CODE TO ADOPT PROVISIONS RELATED TO THE SIXTH CYCLE HOUSING ELEMENT UPDATE

Summary

This ordinance amends Title 17 – Zoning, of the County of Alameda Municipal Code, to modify definitions, use classifications, and permitting requirements for residential development, to align with programs detailed in the Sixth Cycle Housing Element Update (2023-2031 planning period) and in accordance with recent amendments to State law.

THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA ORDAINS AS FOLLOWS:

SECTION I

The Zoning Map described in Section 17.02.090, shall be modified as follows for the parcels listed below:

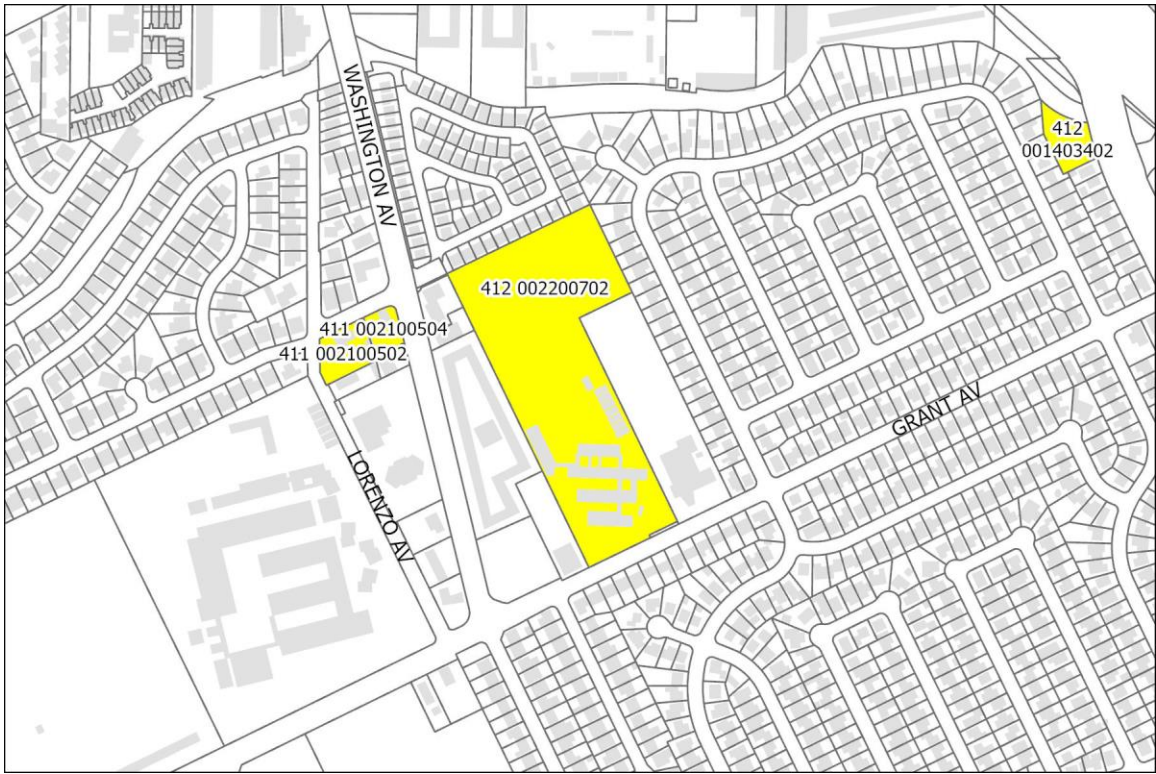
County Assessor's Parcel Number	Parcel Address	Current Zoning District designation	New Zoning District Designation
085 -5450-054-00	4980 Jensen Road	Planned Development, ZU-1566	Residential Small Lot 17 (RSL-17-HE)
085 -5475-002-00	Jensen Road	Planned Development, ZU-1489	Residential Small Lot 17 (RSL-17-HE)
412 -0087-071-02	19390 Hesperian Blvd	R-S-D-25 / C-1	Retail Business 22 (C1-22-HE)
432 -0004-028-06	19510 Hesperian Blvd	C-1	Retail Business 22 (C1-22-HE)
429 -0010-059-02	Meekland Ave	C-N	Neighborhood Commercial Medium High Density Residential 43 (CN-MHDR-43-HE)
411 -0021-005-02	15600 Lorenzo Ave	R-3	High Density Residential 86 (HDR-86-HE)
411 -0021-005-04	15601 Washington Ave	C-1	High Density Residential 86 (HDR-86-HE)
415 -0160-051-00	21112 Oak St	R-S-DV	High Density Residential 86 (HDR-86-HE)
432 -0004-034-02	730 Bartlett Ave	R-S-DV	High Density Residential 86 (HDR-86-HE)
411 -0091-002-00	1294 Bockman Rd	Planned Development, ZU-1209	Medium High Density Residential 43 (MHDR-43-HE)
432 -0004-030-02	770 Bartlett Ave	R-S-DV	Medium High Density Residential 43 (MHDR-43-HE)
080D-0566-036-01	764 Galway Dr	Planned Development, ZU-1997	Medium High Density Residential 43 (MHDR-43-HE)
416 -0030-014-03	2417 Grove Way	CC	Community Commercial 60 (CC-60-HE)

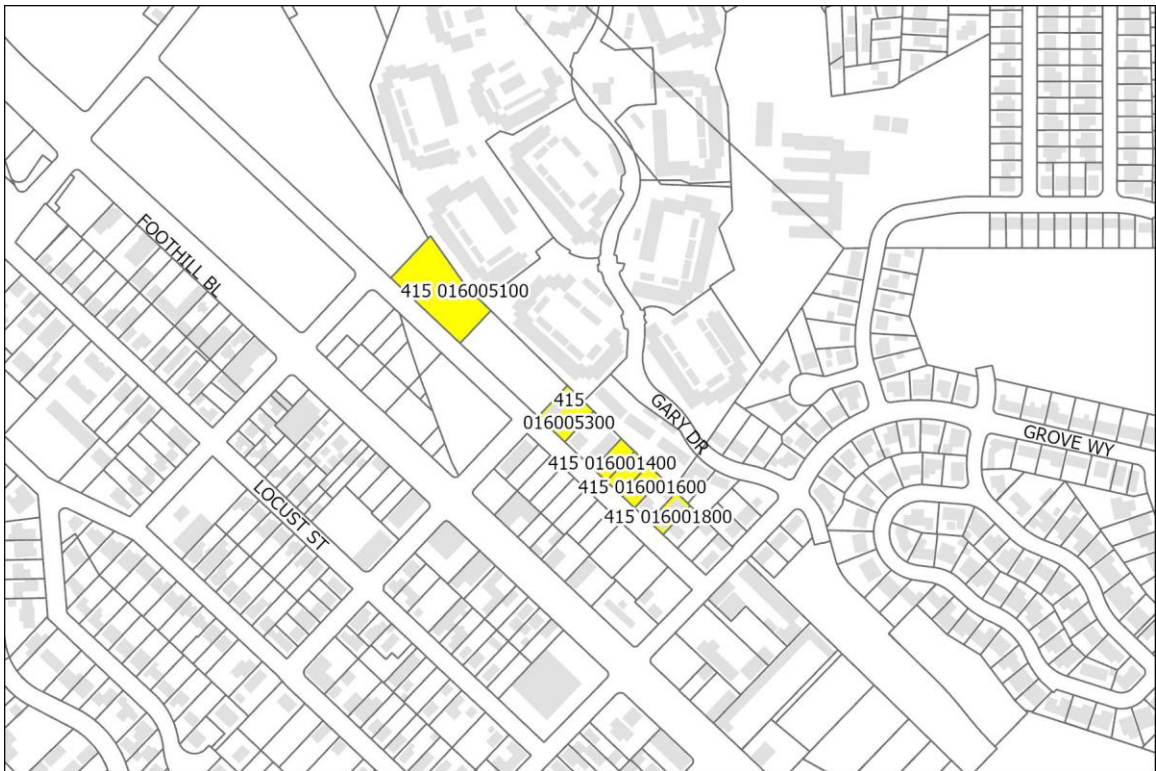
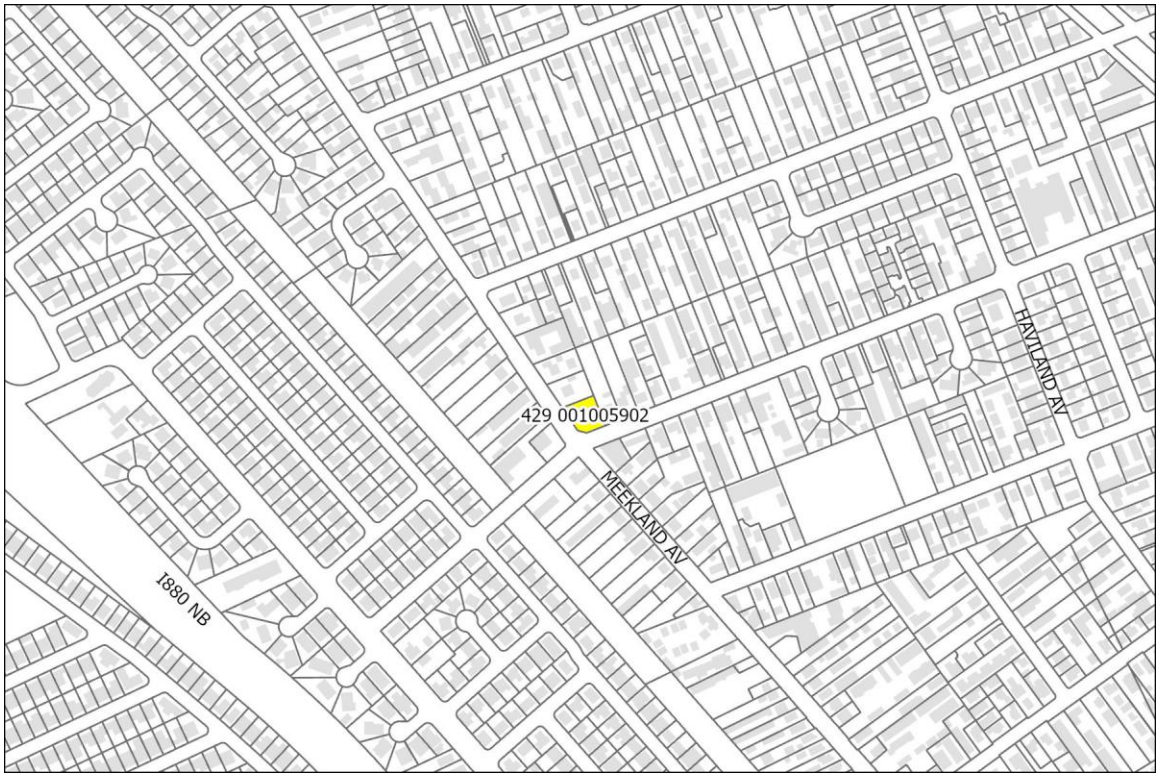
County Assessor's Parcel Number	Parcel Address	Current Zoning District designation	New Zoning District Designation
415 -0160-014-00	21406 Oak St	R-4	Residential 60 (R-60-HE)
415 -0160-015-00	21420 Oak St	R-4	Residential 60 (R-60-HE)
415 -0160-016-00	21408 Oak St	R-4	Residential 60 (R-60-HE)
415 -0160-018-00	21454 Oak St	R-4	Residential 60 (R-60-HE)
415 -0160-053-00	21320 Oak St	R-4	Residential 60 (R-60-HE)
084B-0550-001-01	2974 Somerset Ave	R-1-RV	Residential 60 (R-60-HE)
084B-0553-001-04	19628 Lake Chabot Rd	R-1-RV	Residential 60 (R-60-HE)
084B-0553-014-03	2964 Somerset Ave	R-1-RV	Residential 60 (R-60-HE)
084B-0553-016-00	19672 Lake Chabot Rd	R-1-RV	Residential 60 (R-60-HE)
084B-0553-001-06	19634 Lake Chabot Rd	R-1-RV	Residential 60 (R-60-HE)
080A-0153-003-06	Plaza Dr	P-F	High Density Residential 100 (HDR-100-HE)
080A-0199-001-05	Miramonte Ave	Planned Development, ZU-1762	Residential Medium Density Family 29 (RMF-29-HE)
080A-0209-004-00	166 th Ave	R-1-RV-H-O	Residential Small Lot 17 (RSL-17-HE)
080A-0221-040-00	President Dr	R-1-RV-H-O	Residential Small Lot 17 (RSL-17-HE)
084A-0240-002-00	20396 John Dr	RSL-CSU-RV	Residential Small Lot 17 (RSL-17-HE)
084A-0250-009-03	20338 John Dr	RSL-CSU-RV	Residential Small Lot 17 (RSL-17-HE)
084A-0250-009-04	20396 John Dr	RSL	Residential Small Lot 17 (RSL-17-HE)
084B-0570-123-03	19271 Santa Maria Ave	R-1-CSU-RV	Residential Small Lot 17 (RSL-17-HE)
084C-1064-026-00	20124 Center St	R-1-CSU-RV	Residential Small Lot 17 (RSL-17-HE)
084C-1064-027-00	20104 Center St	R-1-CSU-RV	Residential Small Lot 17 (RSL-17-HE)
084C-1064-028-00	20074 Center St	R-1-CSU-RV	Residential Small Lot 17 (RSL-17-HE)
084C-0885-031-03	Bains Ct	R-1-BE-CSU-RV	Residential Small Lot 17 (RSL-17-HE)
084C-0885-032-02	Bains Ct	R-1-BE-CSU-RV	Residential Small Lot 17 (RSL-17-HE)
084C-0885-033-04	Madison Ave	R-1-BE-CSU-RV	Residential Small Lot 17 (RSL-17-HE)

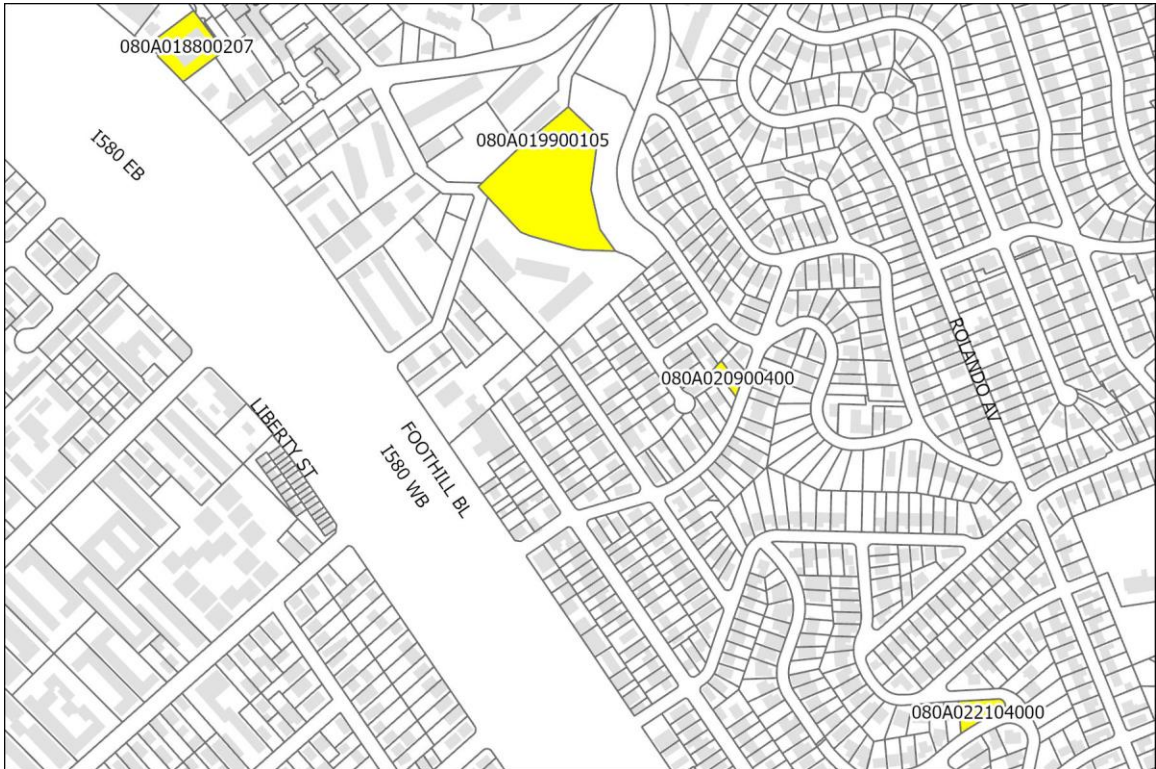
County Assessor's Parcel Number	Parcel Address	Current Zoning District designation	New Zoning District Designation
085 -1613-001-00	6132 Greenridge Rd	R-1-BE-CSU-RV-H-O	Residential Small Lot 17 (RSL-17-HE)
080D-0563-017-00	Dermody Ave	R-S-D-15	Bay Fair Transit Area High Density Residential 125 General Commercial (BTA-HDR-125-GC-HE)
080D-0565-029-00	Wagner St	R-S-D-15	Bay Fair Transit Area High Density Residential 125 General Commercial (BTA-HDR-125-GC-HE)
080D-0565-030-00	Wagner St	R-S-D-15	Bay Fair Transit Area High Density Residential 125 General Commercial (BTA-HDR-125-GC-HE)
080D-0568-030-00	Wagner St	R-S-D-15	Bay Fair Transit Area High Density Residential 125 General Commercial (BTA-HDR-125-GC-HE)
080D-0568-031-00	Wagner St	R-S-D-15	Bay Fair Transit Area High Density Residential 125 General Commercial (BTA-HDR-125-GC-HE)
412 -0014-034-02	15715 Hesperian Blvd	Planned Development, ZU-1468	Residential 9 (R-9-HE)
080A-0188-002-07	16290 Foothill Blvd	Planned Development, ZU-PLN2013-00214	Neighborhood Commercial 60 (CN-60-HE)
412 -0022-007-02	879 Grant Ave	R-1	Residential Suburban 22 (RS-22-HE)
416 -0040-044-00	2652 Vergil Ct	SCV	Residential Low Medium Density 22 (RLM-22-HE)

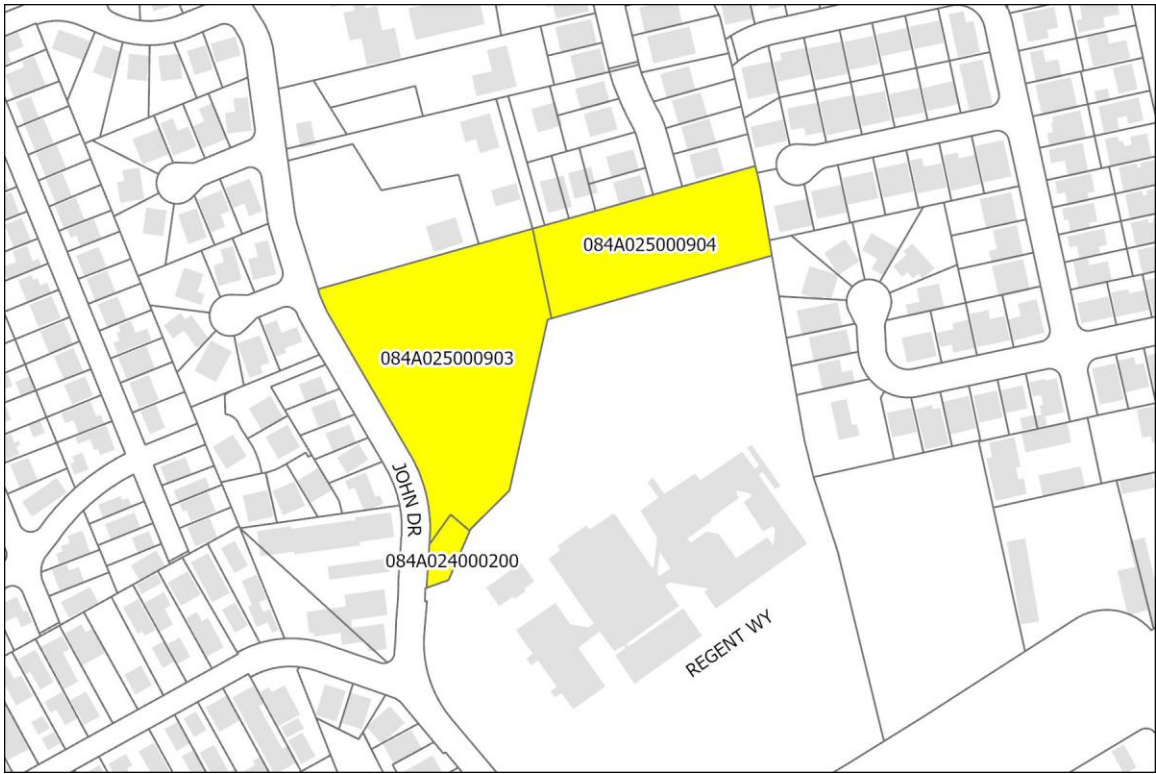
SECTION II

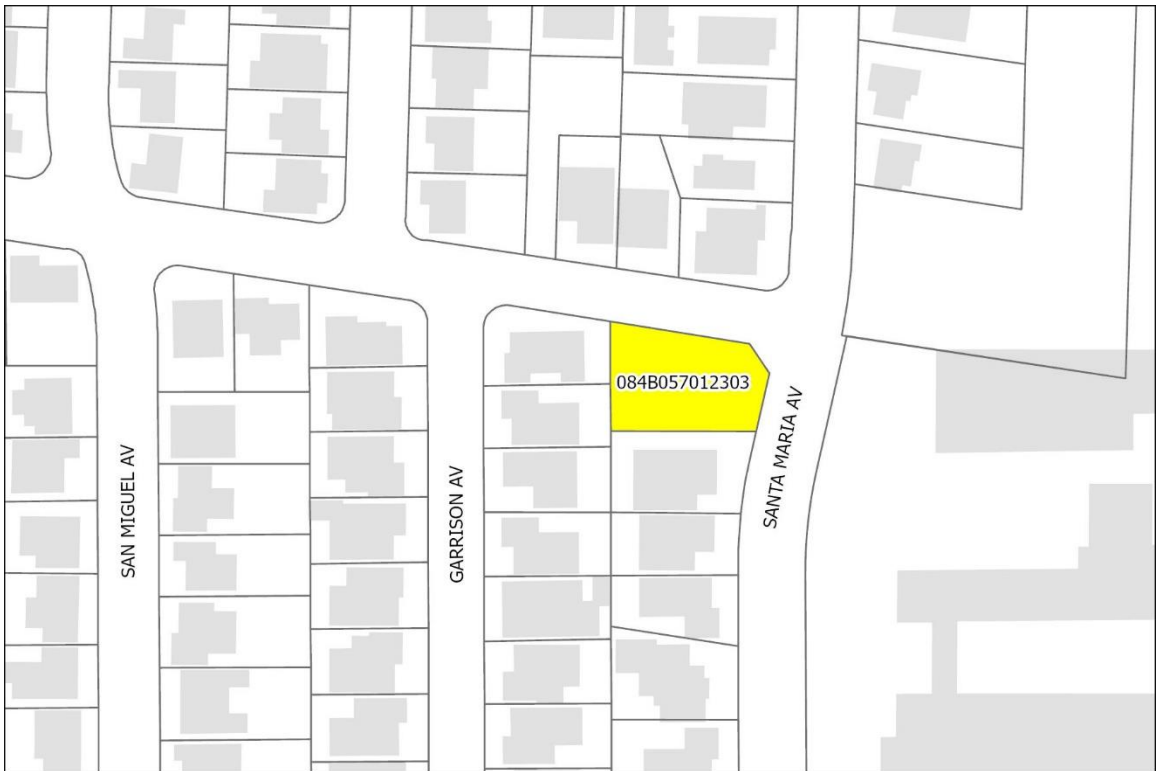
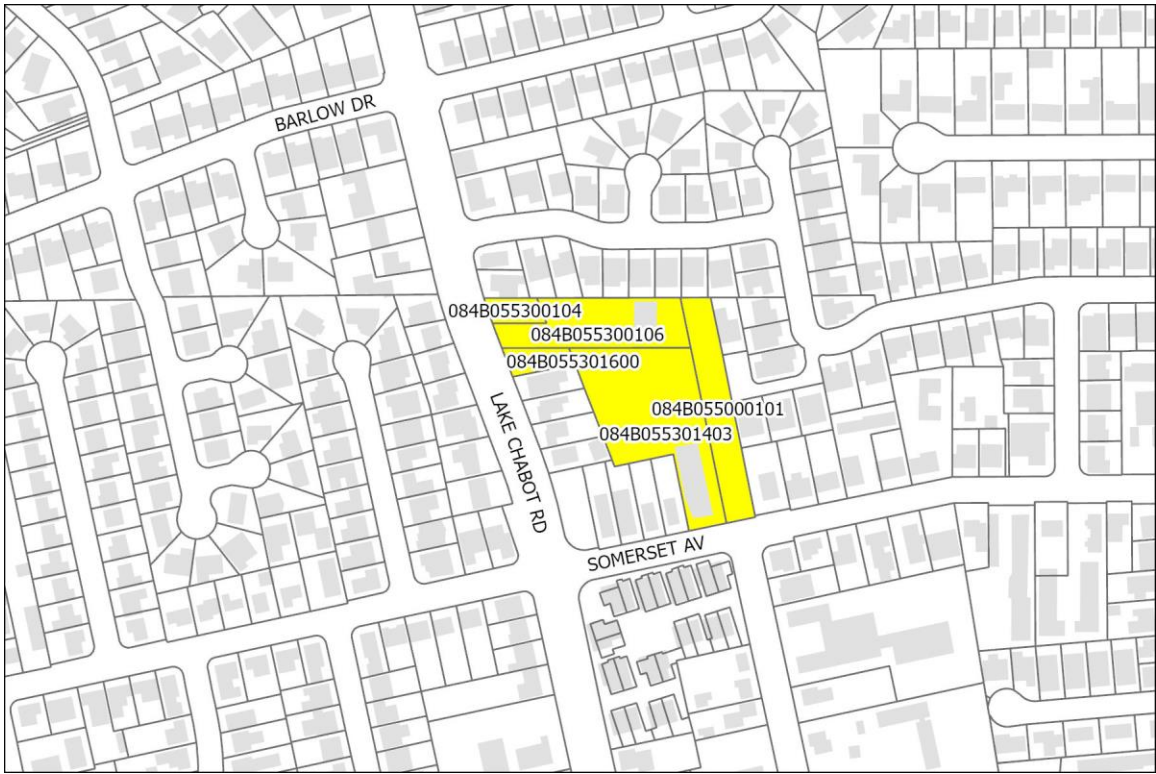
Maps of the rezoned parcels follow, with their respective designated Assessor's Parcel Numbers as of the date of this Ordinance:

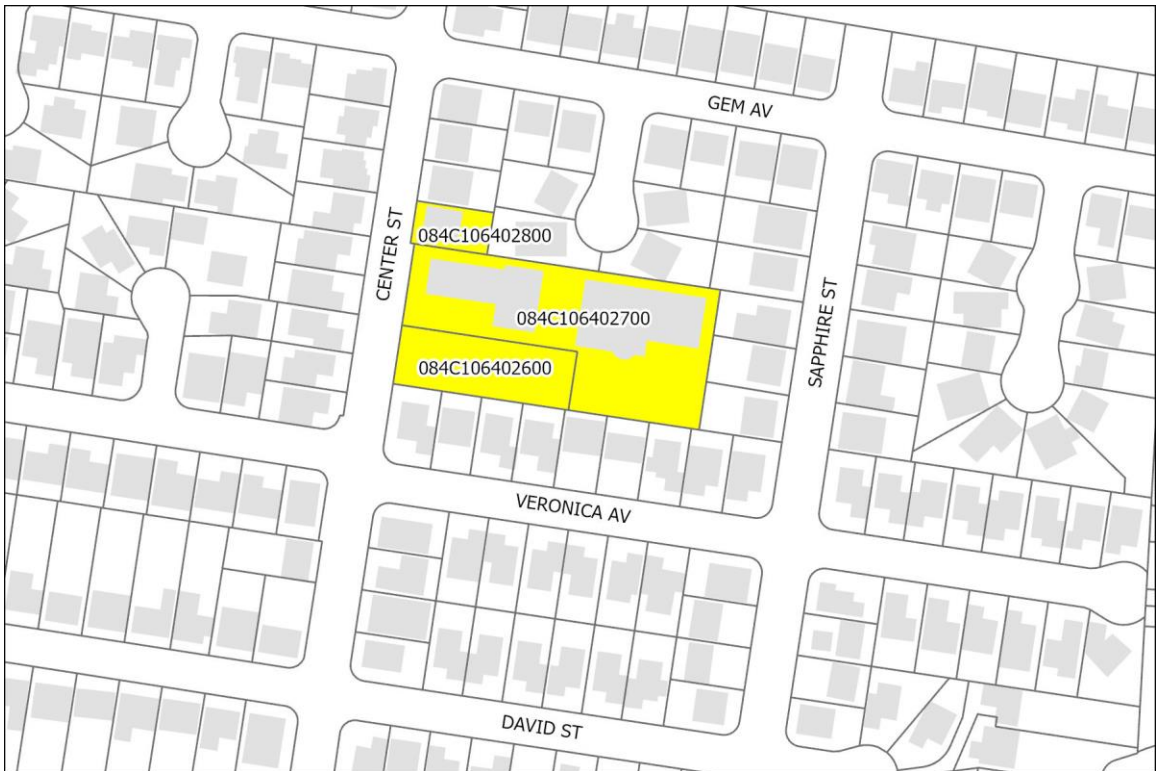
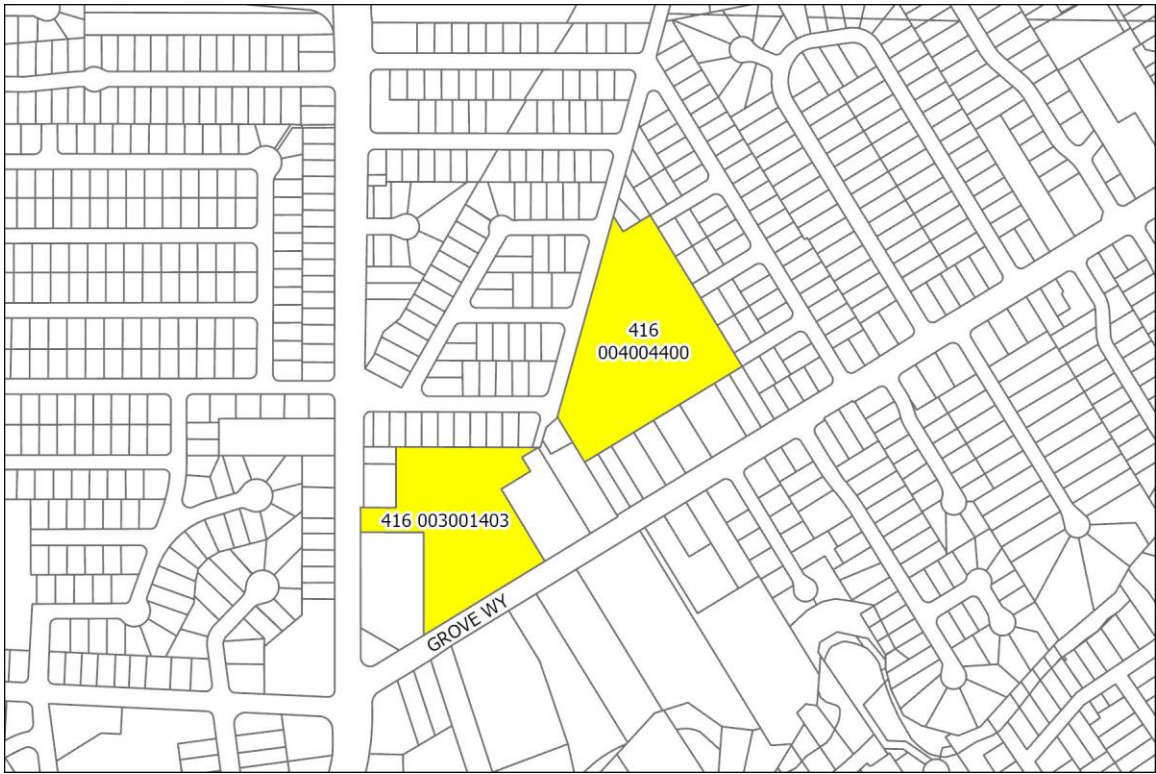


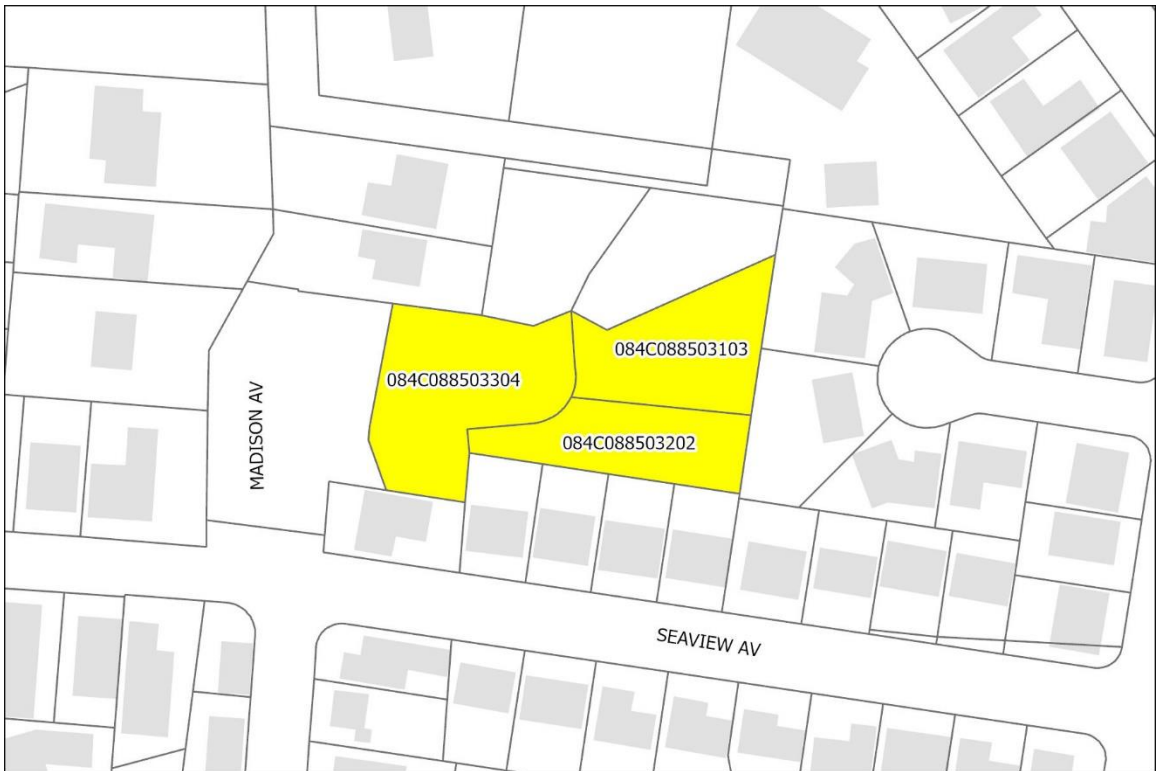


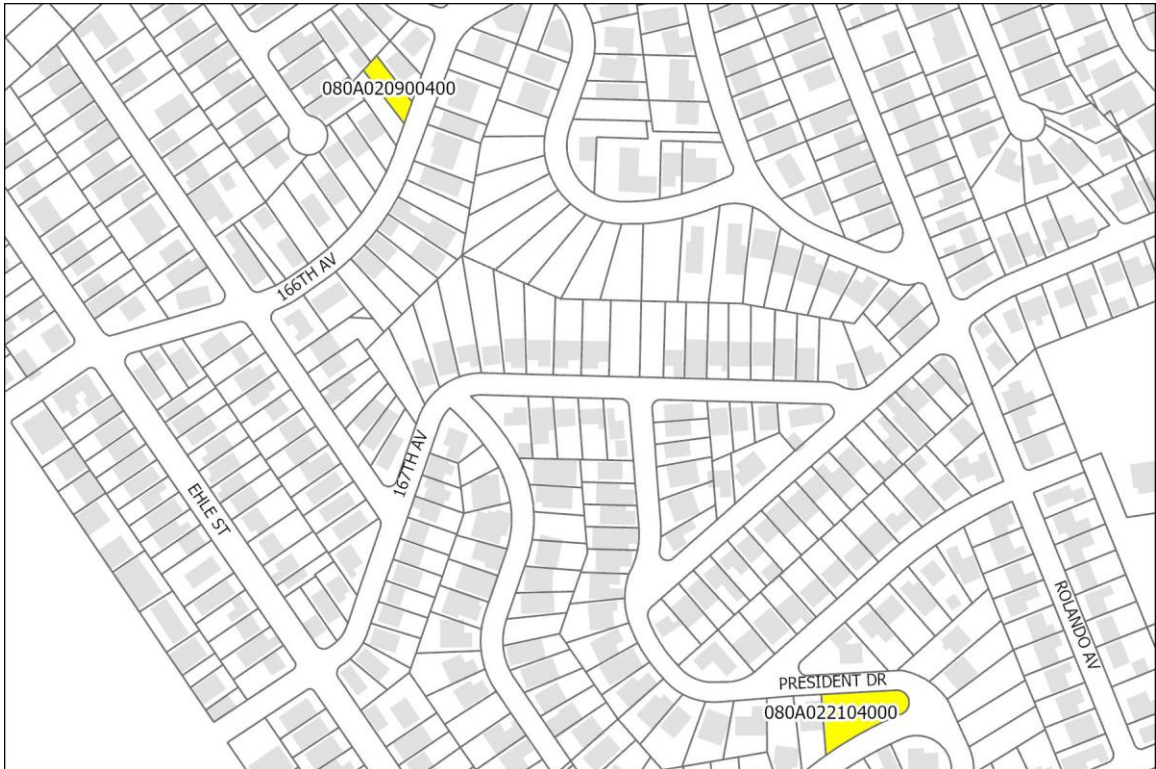
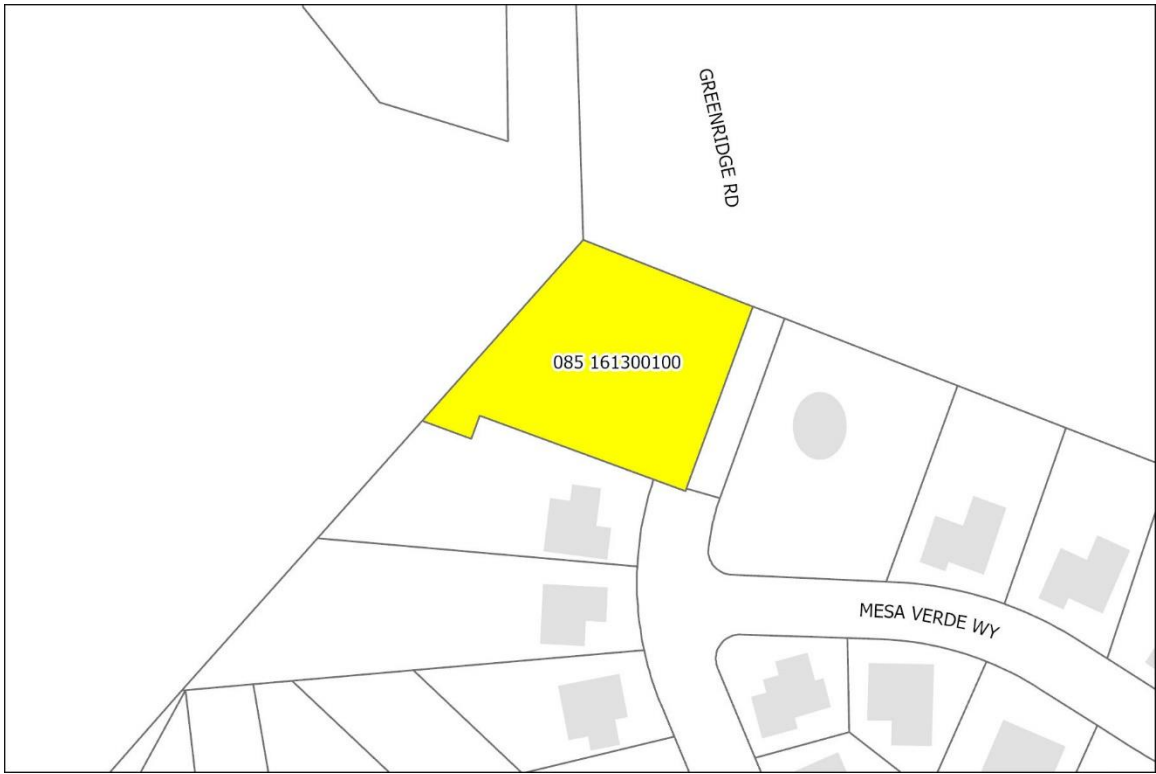


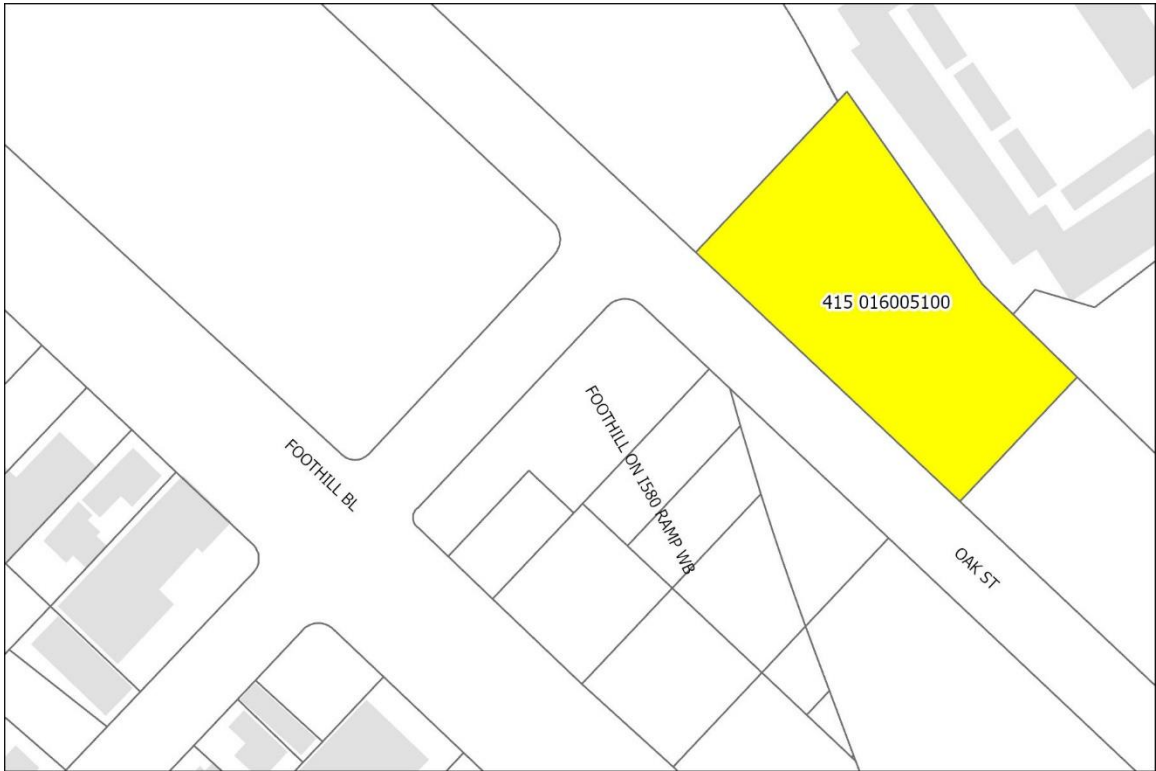
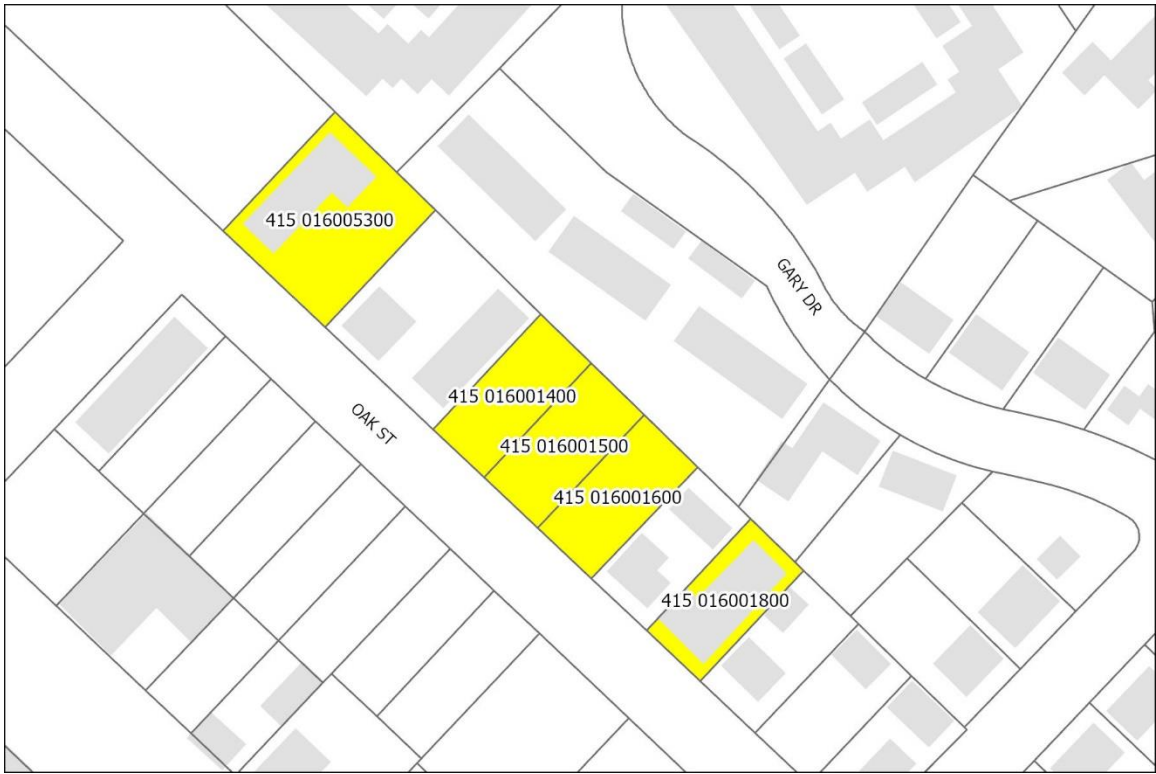












SECTION II

Alameda County Zoning Ordinance Chapter 17.XX is added to Title 17 of the Alameda County Ordinance Code (Zoning Ordinance), to read as follows:

Chapter 17.XX

Housing Element Zoning Districts

Sections:

17.XX.010 Purpose.

The purpose of this chapter is to implement the policy action items of the 2023-2031 Housing Element of the Alameda County General Plan. The properties designated within the zoning districts in this Chapter shall be located in the Housing Element (HE) Zoning Overlay Combining District. Residential and mixed-use residential development that meets 2023-2031 Housing Element goals and policies shall be subject to the general provisions, process and procedures, permit streamlining, development standards, administrative modification processes, and parking space standards listed in Sections 17.30.25 through 17.30.32 of this Title.

17.XX.015 – Housing Element districts—Reference to Residential Design Standards and Guidelines. Residential development and mixed-use residential development within the Housing Element Zoning Districts) 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”, as amended, the respective regulations in this zoning ordinance shall apply.

17.XX.020 Neighborhood Commercial 60 (CN-60-HE)

- A. Intent – the intent of the Neighborhood Commercial 60 (CN-60-HE) Housing Element Overlay Combining Zoning District is to permit multi-family residential and mixed-use residential development in the CN zoning district while continuing to maintain existing Permitted and Conditionally Permitted uses as legally conforming.
- B. Site Development Review -- Site Development Review shall be required for:
 - 1. construction or remodel of 1,000 sq.ft. or more of non-residential floor area;
 - 2. for construction of over 10 primary dwelling units;
 - 3. remodel of over 50% of the existing exterior volume of the total number of primary dwelling units; or
 - 4. development subject to the Housing Element Overlay District shall be reviewed under the procedures set forth in Sections 17.30.25 through 17.30.32 of this Title.
- C. Permitted Uses –
 - 1. Uses listed as Permitted in Section 17.36.020 - Permitted uses
 - 2. Residential uses and residential accessory structures and uses
 - 3. Mixed-use residential uses.
- D. Conditional Uses – Uses listed as Conditionally Permitted in Section 17.36.030 - Conditional uses.
- E. Floor Area Ratio –
 - 1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, for the High Density Residential for the CVCBD Land Use Group E development type.
 - 2. for mixed-use residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, for the Residential Mixed-Use Standards for the CVCBD Land Use Group E development type.

3. for non-residential development: development regulations as listed in Chapter 17.36 – C-N Districts
- F. Lot Coverage –
1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, for the High Density Residential for the CVCBD Land Use Group E development type.
 2. for mixed-use residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, for the Residential Mixed-Use Standards for the CVCBD Land Use Group E development type.
 3. for non-residential development: development regulations as listed in Chapter 17.36 – C-N Districts
- G. Residential Density – 30 dwelling units per net acre minimum and 60 dwelling units per net acre maximum
- H. Building Site –
1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, for the High Density Residential for the CVCBD Land Use Group E development type.
 2. for mixed-use residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, for the Residential Mixed-Use Standards for the CVCBD Land Use Group E development type.
 3. for non-residential development: development regulations as listed in Chapter 17.36 – C-N Districts
- I. Yards –
1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, for the High Density Residential for the CVCBD Land Use Group E development type.
 2. for mixed-use residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, for the Residential Mixed-Use Standards for the CVCBD Land Use Group E development type.
 3. for non-residential development: development regulations as listed in Chapter 17.36 – C-N Districts
- J. Height of buildings –
1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, for the High Density Residential for the CVCBD Land Use Group E development type.
 2. for mixed-use residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, for the Residential Mixed-Use Standards for the CVCBD Land Use Group E development type.
 3. for non-residential development: development regulations as listed in Chapter 17.36 – C-N Districts
- K. Parking –
1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as

- amended, for the High Density Residential for the CVCBD Land Use Group E development type.
- 2. for mixed-use residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, for the Residential Mixed-Use Standards for the CVCBD Land Use Group E development type.
- 3. for non-residential development: as listed in Chapter 17.52 – General Requirements, as modified by the Residential Design Standards and Guidelines.
- L. Other regulations –
 - 1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, for the High Density Residential for the CVCBD Land Use Group E development type.
 - 2. for mixed-use residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, for the Residential Mixed-Use Standards for the CVCBD Land Use Group E development type.
 - 3. for non-residential development: development regulations as listed in Chapter 17.36 – C-N Districts

17.XX.030 Retail Business 22 (C1-22-HE)

- A. Intent – the intent of the Retail Business 22 (C1-22-HE) Housing Element Overlay Combining Zoning District is to permit multi-family residential and mixed-use residential development in the C1 zoning district while continuing to maintain existing Permitted and Conditionally Permitted uses as legally conforming.
- B. Site Development Review -- Site Development Review shall be required for:
 - 1. construction or remodel of 1,000 sq.ft. or more of non-residential floor area;
 - 2. for construction of over 10 primary dwelling units;
 - 3. remodel of over 50% of the existing exterior volume of the total number of primary dwelling units; or
 - 4. development subject to the Housing Element Overlay District shall be reviewed under the procedures set forth in Sections 17.30.25 through 17.30.32 of this Title.
- C. Permitted Uses –
 - 1. Uses listed as Permitted in Section 17.38.020 – Permitted uses
 - 2. Residential uses and residential accessory structures and uses
 - 3. Mixed-use residential uses.
- D. Conditional Uses – Uses listed as Conditionally Permitted in Section 17.38.025 – Conditional uses – Planning commission and in Section 17.38.030 – Conditional uses – Board of Zoning Adjustments.
- E. Floor Area Ratio –
 - 1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, for the Medium Density Residential R-S-D20 development type.
 - 2. for mixed-use residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, for the Residential Mixed-Use Standards for the CVCBD Land Use Group D development type at 17.4 – 21.8.
 - 3. for non-residential development: development regulations as listed in Chapter 17.38 – C-1 Districts
- F. Lot Coverage –
 - 1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as

- amended, for the High Density Residential for the CVCBD Land Use Group E development type.
 - 2. for mixed-use residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, for the Residential Mixed-Use Standards for the CVCBD Land Use Group D development type at 17.4 – 21.8.
 - 3. for non-residential development: development regulations as listed in Chapter 17.38 – C-1 Districts
- G. Residential Density – 10 dwelling units per net acre minimum and 22 dwelling units per net acre maximum
- H. Building Site –
 - 1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, for the Medium Density Residential R-S-D20 development type.
 - 2. for mixed-use residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, for the Residential Mixed-Use Standards for the CVCBD Land Use Group D development type at 17.4 – 21.8.
 - 3. for non-residential development: development regulations as listed in Chapter 17.38 – C-1 Districts
- I. Yards –
 - 1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, for the Medium Density Residential R-S-D20 development type.
 - 2. for mixed-use residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County," as amended, for the Residential Mixed-Use Standards for the CVCBD Land Use Group D development type at 17.4 – 21.8.
 - 3. for non-residential development: development regulations as listed in Chapter 17.38 – C-1 Districts
- J. Height of buildings –
 - 1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the Medium Density Residential R-S-D20 development type.
 - 2. for mixed-use residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the Residential Mixed-Use Standards for the CVCBD Land Use Group D development type at 17.4 – 21.8.
 - 3. for non-residential development: development regulations as listed in Chapter 17.38 – C-1 Districts
- K. Parking –
 - 1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the Medium Density Residential R-S-D20 development type.
 - 2. for mixed-use residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the Residential Mixed-Use Standards for the CVCBD Land Use Group D development type at 17.4 – 21.8.
 - 3. for non-residential development: development regulations as listed in Chapter 17.38 – C-1 Districts
- L. Other regulations –

1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the Medium Density Residential R-S-D20 development type.
2. for mixed-use residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the Residential Mixed-Use Standards for the CVCBD Land Use Group D development type at 17.4 – 21.8.
3. for non-residential development: development regulations as listed in Chapter 17.38 – C-1 Districts

17.XX.040 Community Commercial 60 (CC-60-HE)

- A. Intent – the intent of the Community Commercial 60 (CC-60-HE) Housing Element Overlay Combining Zoning District is to permit multi-family residential and mixed-use residential development in the CC zoning district while continuing to maintain existing Permitted and Conditionally Permitted uses as legally conforming.
- B. Site Development Review -- Site Development Review shall be required for:
 1. construction or remodel of 1,000 sq.ft. or more of non-residential floor area;
 2. for construction of over 10 primary dwelling units;
 3. remodel of over 50% of the existing exterior volume of the total number of primary dwelling units; or
 4. development subject to the Housing Element Overlay District shall be reviewed under the procedures set forth in Sections 17.30.25 through 17.30.32 of this Title.
- C. Permitted Uses –
 1. Uses listed as Permitted in Section 17.51.050(B) – Permitted uses
 2. Residential uses and residential accessory structures and uses
 3. Mixed-use residential uses.
- D. Conditional Uses – Uses listed as Conditionally Permitted in Section 17.51.050(C) – Conditional uses.
- E. Floor Area Ratio –
 1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential for the CVCBD Land Use Group E development type.
 2. for mixed-use residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the Residential Mixed-Use Standards for the CVCBD Land Use Group E development type.
 3. for non-residential development: development regulations as listed in Section 17.51.050(D) – Floor Area Ratio
- F. Lot Coverage –
 1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential for the CVCBD Land Use Group E development type.
 2. for mixed-use residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the Residential Mixed-Use Standards for the CVCBD Land Use Group E development type.
 3. for non-residential development: development regulations as listed in Section 17.51.050 – Community commercial districts.
- G. Residential Density – 30 dwelling units per net acre minimum and 60 dwelling units per net acre maximum

- H. Building Site –
 1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential for the CVCBD Land Use Group E development type.
 2. for mixed-use residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the Residential Mixed-Use Standards for the CVCBD Land Use Group E development type.
 3. for non-residential development: development regulations as listed in Section 17.51.050 – Community commercial districts.
- I. Yards –
 1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential for the CVCBD Land Use Group E development type.
 2. for mixed-use residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the Residential Mixed-Use Standards for the CVCBD Land Use Group E development type.
 3. for non-residential development: development regulations as listed in Section 17.51.050 – Community commercial districts.
- J. Height of buildings –
 1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential for the CVCBD Land Use Group E development type.
 2. for mixed-use residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the Residential Mixed-Use Standards for the CVCBD Land Use Group E development type.
 3. for non-residential development: development regulations as listed in Section 17.51.050 – Community commercial districts.
- K. Parking –
 1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential for the CVCBD Land Use Group E development type.
 2. for mixed-use residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the Residential Mixed-Use Standards for the CVCBD Land Use Group E development type.
 3. for non-residential development: development regulations as listed in Section 17.51.050 – Community commercial districts.
- L. Other regulations –
 1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential for the CVCBD Land Use Group E development type.
 2. for mixed-use residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the Residential Mixed-Use Standards for the CVCBD Land Use Group E development type.

3. for non-residential development: development regulations as listed in Section 17.51.050 – Community commercial districts.

17.XX.050 Neighborhood Commercial Medium High Density Residential 43 (CN-MHDR-43-HE)

- A. Intent – the intent of the Neighborhood Commercial Medium High Density Residential 43 (CN-MHDR-43-HE) Housing Element Overlay Combining Zoning District is to permit multi-family residential and mixed-use residential development in the CN designation while continuing to maintain existing Permitted and Conditionally Permitted uses as legally conforming.
- B. Site Development Review -- Site Development Review shall be required for:
 1. construction or remodel of 1,000 sq.ft. or more of non-residential floor area;
 2. for construction of over 10 primary dwelling units;
 3. remodel of over 50% of the existing exterior volume of the total number of primary dwelling units; or
 4. development subject to the Housing Element Overlay District shall be reviewed under the procedures set forth in Sections 17.30.25 through 17.30.32 of this Title.
- C. Permitted Uses –
 1. Uses listed as Permitted in Section 17.36.020 - Permitted uses
 2. Residential uses and residential accessory structures and uses
 3. Mixed-use residential uses.
- D. Conditional Uses – Uses listed as Conditionally Permitted in Section 17.36.030 - Conditional uses.
- E. Floor Area Ratio –
 1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential R-4 development type.
 2. for mixed-use residential development: development regulations as listed separately as follows:
 - a. for the residential portion, those development regulations listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential R-4 development type;
 - b. for the non-residential portion, those development regulations listed in Chapter 17.36 – C-N Districts.
 3. for non-residential development: development regulations as listed in Chapter 17.36 – C-N Districts.
- F. Lot Coverage –
 1. for residential development: development regulations as listed in for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential R-4 development type.
 2. for mixed-use residential development: development regulations as listed separately as follows:
 - a. for the residential portion, those development regulations listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential R-4 development type;
 - b. for the non-residential portion, those development regulations listed in Chapter 17.36 – C-N Districts.
 3. for non-residential development: development regulations as listed in Chapter 17.36 – C-N Districts.
- G. Residential Density – 22 dwelling units per net acre minimum and 43 dwelling units per net acre maximum
- H. Building Site –

1. for residential development: development regulations as listed in for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential R-4 development type.
 2. for mixed-use residential development: development regulations as listed separately as follows:
 - a. for the residential portion, those development regulations listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential R-4 development type;
 - b. for the non-residential portion, those development regulations listed in Chapter 17.36 – C-N Districts.
 3. for non-residential development: development regulations as listed in Chapter 17.36 – C-N Districts.
- I. Yards –
1. for residential development: development regulations as listed in for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential R-4 development type.
 2. for mixed-use residential development: development regulations as listed separately as follows:
 - a. for the residential portion, those development regulations listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential R-4 development type;
 - b. for the non-residential portion, those development regulations listed in Chapter 17.36 – C-N Districts.
 3. for non-residential development: development regulations as listed in Chapter 17.36 – C-N Districts.
- J. Height of buildings –
1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential R-4 development type.
 2. for mixed-use residential development: development regulations as listed separately as follows:
 - a. for the residential portion, those development regulations listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential R-4 development type;
 - b. for the non-residential portion, those development regulations listed in Chapter 17.36 – C-N Districts.
 3. for non-residential development: development regulations as listed in Chapter 17.36 – C-N Districts.
- K. Parking –
1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential R-4 development type.
 2. for mixed-use residential development: development regulations as listed separately as follows:
 - a. for the residential portion, those development regulations listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential R-4 development type;
 - b. for the non-residential portion, those development regulations listed in Chapter 17.36 – C-N Districts.

3. for non-residential development: development regulations as listed in Chapter 17.36 – C-N Districts.
- L. Other regulations –
 1. for residential development: development regulations as listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential R-4 development type.
 2. for mixed-use residential development: development regulations as listed separately as follows:
 - a. for the residential portion, those development regulations listed in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential R-4 development type;
 - b. for the non-residential portion, those development regulations listed in Chapter 17.36 – C-N Districts.
 3. for non-residential development: development regulations as listed in Chapter 17.36 – C-N Districts.

17.XX.060 Residential 9 (R-9-HE)

- A. Intent – the intent of the Residential 9 (R-9-HE) Housing Element Overlay Combining Zoning District is to permit single-family or multi-family residential development while continuing to maintain existing Permitted and Conditionally Permitted uses as legally conforming.
- B. Site Development Review -- Site Development Review shall be required for:
 1. construction or remodel of 1,000 sq.ft. or more of non-residential floor area of existing permitted or conditionally permitted uses;
 2. construction of 5 or more primary dwelling units;
 3. remodel of over 50% of the existing exterior volume of the total number of primary dwelling units; or
 4. development subject to the Housing Element Overlay District shall be reviewed under the procedures set forth in Sections 17.30.25 through 17.30.32 of this Title.
- C. Permitted Uses – Uses listed as Permitted in Section 17.12.030 - Permitted uses
- D. Conditional Uses – Planning Commission – Uses listed as Conditionally Permitted in Section 17.12.035 - Conditional uses – Planning Commission.
- E. Conditional Uses – Board of Zoning Adjustments – Uses listed as Conditionally Permitted in Section 17.12.040 - Conditional uses – Board of Zoning Adjustments.
- F. Reference to Residential Design Standards and Guidelines – Residential development shall be subject to the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the Suburban Residence (R-S) development type. On matters not provided for in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, the respective regulations in this zoning ordinance shall apply.
- G. Residential Density – nine (9) dwelling units per net acre maximum
- H. Other regulations –
 1. Residential development shall be subject to the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the Suburban Residence (R-S) development type. On matters not provided for in the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, the respective regulations in Chapter 17.12 – R-S Districts and in this zoning ordinance shall apply.

17.XX.070 Residential 60 (R-60-HE)

- A. Intent – the intent of the Residential 60 (R-60-HE) Housing Element Overlay Combining Zoning District is to permit multi-family residential development while continuing to maintain existing Permitted and Conditionally Permitted uses as legally conforming.
- B. Site Development Review -- Site Development Review shall be required for:
 - 1. construction of more than 10 primary dwelling units;
 - 2. remodel of over 50% of the existing exterior volume of the total number of primary dwelling units; or
 - 3. development subject to the Housing Element Overlay District shall be reviewed under the procedures set forth in Sections 17.30.25 through 17.30.32 of this Title.
- C. Permitted Uses – Uses listed as Permitted in Section 17.16.020 - Permitted uses
- D. Conditional Uses – Planning Commission – Uses listed as Conditionally Permitted in Section 17.16.025 - Conditional uses – Planning Commission.
- E. Conditional Uses – Board of Zoning Adjustments – Uses listed as Conditionally Permitted in Section 17.16.030 - Conditional uses – Board of Zoning Adjustments.
- F. Reference to Residential Design Standards and Guidelines – Residential development shall be subject to the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential for the CVCBD Land Use Group E development type for residential uses only. On matters not provided for in the “Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County”, as amended, the respective regulations in this zoning ordinance shall apply.
- G. Residential Density – 30 dwelling units per net acre minimum and 60 dwelling units per net acre maximum
- H. Other regulations –
 - 1. Residential development shall be subject to the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the CVCBD Land Use Group E development type for residential uses only. On matters not provided for in the “Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County”, as amended, the respective regulations in this zoning ordinance shall apply.

17.XX.080 Residential Low Medium Density 22 (RLM-22-HE)

- A. Intent – the intent of the Residential Low Medium Density 22 (RLM-22-HE) Housing Element Overlay Combining Zoning District is to permit multi-family residential development while continuing to maintain existing Permitted and Conditionally Permitted uses as legally conforming.
- B. Site Development Review -- Site Development Review shall be required for:
 - 1. construction or remodel of 1,000 sq.ft. or more of non-residential floor area of existing permitted or conditionally permitted uses;
 - 2. construction of over 10 primary dwelling units;
 - 3. remodel of over 50% of the existing exterior volume of the total number of primary dwelling units; or
 - 4. development subject to the Housing Element Overlay District shall be reviewed under the procedures set forth in Sections 17.30.25 through 17.30.32 of this Title.
- C. Permitted Uses –
 - 1. Uses listed as Permitted in Section 17.51.090(B) - Permitted uses
 - 2. Residential uses and residential accessory structures and uses
- D. Conditional Uses – Uses listed as Conditionally Permitted in Section 17.51.090(C) - Conditional uses
- E. Reference to Residential Design Standards and Guidelines – Residential development shall be subject to the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the Suburban Residence 2,000 sq.ft. per dwelling unit (R-S-D-20) development type. On matters not provided for in the “Residential Design Standards

and Guidelines for the Unincorporated Communities of West Alameda County”, as amended, the respective regulations in this zoning ordinance shall apply.

- F. Residential Density – 18 dwelling units per net acre minimum and 22 dwelling units per net acre maximum
- G. Other regulations –
 - 1. Residential development shall be subject to the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the Suburban Residence 2,000 sq.ft. per dwelling unit (R-S-D-20) development type. On matters not provided for in the “Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County”, as amended, the respective regulations in this zoning ordinance shall apply.
 - 2. Non-residential development shall be subject to the development regulations of the Zoning Ordinance Section 17.51.090.

17.XX.090 Residential Medium Density Family 29 (RMF-29-HE)

- A. Intent – the intent of the Residential Medium Density Family 29 (RMF-29-HE) Housing Element Overlay Combining Zoning District is to permit multi-family residential development, and to support medium density multi-family residential development in Castro Valley. The RMF-29-HE district implements and is consistent with the residential medium density multifamily land use classification of the Castro Valley General Plan.
- B. Site Development Review -- Site Development Review shall be required for:
 - 1. construction of over 10 primary dwelling units;
 - 2. remodel of over 50% of the existing exterior volume of the total number of primary dwelling units; or
 - 3. development subject to the Housing Element Overlay District shall be reviewed under the procedures set forth in Sections 17.30.25 through 17.30.32 of this Title.
- C. Permitted Uses – Uses listed as Permitted in Section 17.51.030(C) - Permitted uses
- D. Conditional Uses – Planning Commission – Uses listed as Conditionally Permitted in Section 17.51.30(D) - Conditional uses – Planning Commission.
- E. Conditional Uses – Board of Zoning Adjustments – Uses listed as Conditionally Permitted in Section 17.51.30(E) - Conditional uses – Board of Zoning Adjustments.
- F. Residential Density – 22 dwelling units per net acre minimum and 29 dwelling units per net acre maximum
- G. Design Standards and Guidelines –
 - 1. Residential projects within the RMF-29-HE districts are subject to the development regulations in Section 17.51.030 – “Residential medium density family district”, as amended.
 - 2. On matters not provided for in Section 17.51.030, the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the Suburban Residence 2,000 sq.ft. per dwelling unit (R-S-D-20) and the Suburban Residence 1,500 sq.ft. per dwelling unit (R-S-D-15) development types, shall apply as applicable based on the proposed building type.
 - 3. For the residential design standards and the requirements for which Section 17.51.030 is silent the residential design guidelines applicable to the proposed building type apply.

17.XX.100 Residential Small Lot 17 (RSL-17-HE)

- A. Intent – the intent of the Residential Small Lot 17 (RSL-17-HE) Housing Element Overlay Combining Zoning District is 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. Site Development Review -- Site Development Review shall be required for:
 - 1. construction of over 10 primary dwelling units;

- 2. remodel of over 50% of the existing exterior volume of the total number of primary dwelling units; or
- 3. development subject to the Housing Element Overlay District shall be reviewed under the procedures set forth in Sections 17.30.25 through 17.30.32 of this Title.
- C. Permitted Uses – Uses listed as Permitted in Section 17.51.020(C) - Permitted uses
- D. Conditional Uses – Planning Commission – Uses listed as Conditionally Permitted in Section 17.51.020(D) - Conditional uses
- E. Residential Density – 8 dwelling units per net acre minimum and 17 dwelling units per net acre maximum
- F. Design Standards and Guidelines –
 - 1. Residential projects within the RSL-17-HE districts are subject to the development regulations in Section 17.51.020 – “Residential small lot districts”, as amended.
 - 2. On matters not provided for in Section 17.51.020, the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the Suburban Residence 3,500 sq.ft. per dwelling unit (R-S-D-35) and the Suburban Residence 2,500 sq.ft. per dwelling unit (R-S-D-25) development types, shall apply as applicable based on the proposed building type.
 - 3. For the residential design standards and the requirements for which Section 17.51.020 is silent the residential design guidelines applicable to the proposed building type apply.

17.XX.110 Residential Suburban 22 (RS-22-HE)

- A. Intent – the intent of the Residential Suburban 22 (RS-22-HE) Housing Element Overlay Combining Zoning District is to permit multi-family residential development while continuing to maintain existing Permitted and Conditionally Permitted uses as legally conforming.
- B. Site Development Review -- Site Development Review shall be required for:
 - 1. construction or remodel of 1,000 sq.ft. or more of non-residential floor area of existing permitted or conditionally permitted uses;
 - 2. construction of over 10 primary dwelling units;
 - 3. remodel of over 50% of the existing exterior volume of the total number of primary dwelling units; or
 - 4. development subject to the Housing Element Overlay District shall be reviewed under the procedures set forth in Sections 17.30.25 through 17.30.32 of this Title.
- C. Permitted Uses – Uses listed as Permitted in Section 17.12.030 - Permitted uses
- D. Conditional Uses – Uses listed as Conditionally Permitted in Section 17.12.035 - Conditional uses – Planning Commission.
- E. Conditional Uses – Board of Zoning Adjustments – Uses listed as Conditionally Permitted in Section 17.12.040 - Conditional uses – Board of Zoning Adjustments
- F. Reference to Residential Design Standards and Guidelines – Residential development shall be subject to the "Residential Design Standards and Guidelines for the Suburban Residence 3,500 sq.ft. per dwelling unit (R-S-D-35) and the Suburban Residence 2,000 sq.ft. per dwelling unit (R-S-D-20) development types, 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”, as amended, the respective regulations in this zoning ordinance shall apply.
- G. Residential Density – 10 dwelling units per net acre minimum and 22 dwelling units per net acre maximum
- H. Other regulations –
 - 1. Residential development shall be subject to the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the Suburban Residence 3,500 sq.ft. per dwelling unit (R-S-D-35) and the Suburban Residence 2,000 sq.ft. per dwelling unit (R-S-D-20) development types, 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”, as amended, the respective regulations in this zoning ordinance shall apply.

2. Non-residential development shall be subject to the development regulations of the Zoning Ordinance Chapter 17.12.

17.XX.120 Medium High Density Residential 43 (MHDR-43-HE)

- A. Intent – the intent of the Medium High Density Residential 43 (MHDR-43-HE) Housing Element Overlay Combining Zoning District is to permit multi-family residential development while continuing to maintain existing Permitted and Conditionally Permitted uses as legally conforming.
- B. Site Development Review -- Site Development Review shall be required for:
 1. construction or remodel of 1,000 sq.ft. or more of non-residential floor area;
 2. for construction of over 10 primary dwelling units;
 3. remodel of over 50% of the existing exterior volume of the total number of primary dwelling units; or
 4. development subject to the Housing Element Overlay District shall be reviewed under the procedures set forth in Sections 17.30.25 through 17.30.32 of this Title.
- C. Permitted Uses – Uses listed as Permitted in Section 17.16.020 - Permitted uses
- D. Conditional Uses – Planning Commission – Uses listed as Conditionally Permitted in Section 17.16.025 - Conditional uses – Planning Commission.
- E. Conditional Uses – Board of Zoning Adjustments – Uses listed as Conditionally Permitted in Section 17.16.030 – Conditional Uses – Board of Zoning Adjustments.
- F. Reference to Residential Design Standards and Guidelines – Residential development shall be subject to the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential R-4 development type. On matters not provided for in the “Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County”, as amended, the respective regulations in this zoning ordinance shall apply.
- G. Residential Density – 22 dwelling units per net acre minimum and 43 dwelling units per net acre maximum
- I. Other regulations –
 1. Residential development shall be subject to the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, for the High Density Residential R-4 development type. On matters not provided for in the “Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County”, as amended, the respective regulations in this zoning ordinance shall apply.
 2. Non-residential development shall be subject to the development regulations of the Zoning Ordinance Chapter 17.16.

17.XX.130 High Density Residential 86 (HDR-86-HE)

- A. Intent – the intent of the High Density Residential 86 (HDR-86-HE) Housing Element Overlay Combining Zoning District is to permit multi-family residential development while continuing to maintain existing Permitted and Conditionally Permitted uses as legally conforming.
- B. Site Development Review -- Site Development Review shall be required for:
 1. construction or remodel of 1,000 sq.ft. or more of non-residential floor area;
 2. for construction of over 10 primary dwelling units;
 3. remodel of over 50% of the existing exterior volume of the total number of primary dwelling units; or
 4. development subject to the Housing Element Overlay District shall be reviewed under the procedures set forth in Sections 17.30.25 through 17.30.32 of this Title.
- C. Permitted Uses – Uses listed as Permitted in Section 17.16.020 - Permitted uses.

- D. Conditional Uses – Planning Commission – Uses listed as Conditionally Permitted in Section 17.16.025 - Conditional uses – Planning Commission.
- E. Conditional Uses – Board of Zoning Adjustments – Uses listed as Conditionally Permitted in Section 17.16.030 – Conditional Uses – Board of Zoning Adjustments.
- F. Reference to Residential Design Standards and Guidelines – Residential development shall be subject to the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, Chapter 6 “Standards that Apply to All or Some Development Projects with Residential Uses”, Chapter 7 “Definitions and Rules of Measurement”, and Chapter 8 “Residential and Mixed-Use Residential Objective Standards”. On matters not provided for in the “Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County”, as amended, or where there is a conflict with the regulations in this zoning district, the following regulations in this zoning district shall apply.
- G. Residential Density – 43 dwelling units per net acre minimum and 86 dwelling units per net acre maximum
- J. Other regulations –
 - 1. Residential development shall be subject to the following regulations:
 - a. Height: 5 stories maximum (two additional stories allowed with a Conditional Use Permit); 75 feet height maximum (roofs, rooftop decks, and rooftop equipment may encroach above max height up to 4 feet)
 - b. Setbacks:
 - i. Front Yard: 20 feet minimum
 - 1. May be modified if project design follows the development regulations of the *Ashland and Cherryland Business Districts Specific Plan*, Section 6.3.8 “Terrace” development, or Section 6.3.10 “Stoop” development, in which case the frontage development standard and design regulations shall apply per Section 6.3.8 “Terrace” development, or Section 6.3.10 “Stoop” development, respectively.
 - ii. Rear Yard: 20 feet minimum
 - iii. Street Side Yard: 10 feet minimum
 - iv. Interior Side Yard: 10 feet minimum
 - c. Lot coverage: 90% maximum
 - d. Floor Area Ratio: 0.5 Minimum (applies only to lots 50 feet wide, or wider) and 2.5 maximum
 - e. Open Space Per unit: 50 square feet minimum, at a minimum dimension of 5 feet.
 - f. On-Site Common Useable Open Space: required for ten or more primary dwelling units at 1,000 square feet minimum, no less than 100 sq ft per unit, at a minimum dimension of 25 feet.
 - g. Site Landscaping shall occupy a minimum 15% of project site.
 - h. There shall be no minimum tree canopy shading requirements of on-site parking or vehicular access.
 - i. On-site Parking:
 - i. a minimum of one on-site parking space per dwelling unit is required;
 - ii. if parking is provided: at least one car-share parking space must be designated in new residential developments that offer more than 10 private car parking spaces; two car-share parking spaces must be provided in developments with more than 30 private car parking spaces;
 - iii. Shared or unbundled vehicle parking is allowed (neither prohibited nor required);
 - iv. Minimum secured bicycle parking: one space per primary dwelling unit minimum;
 - v. parking regulations for residential development as listed in the *Ashland and Cherryland Business Districts Specific Plan* Section 6.4.1.2 General Parking Standards shall be applicable for residential development subject to this Zoning Ordinance section.

- j. Percent of lot width occupied by allowed frontage, or combination of frontages: 70% minimum.
- k. Allowable encroachments into setbacks (applies to encroachments of architectural features, balconies, decks, bay windows, etc):
 - i. Into front yard setback: 2 feet
 - ii. Into street side or rear yard setbacks: 4 feet
- 2. Non-residential development shall be subject to the development regulations of the Zoning Ordinance Chapter 17.16.
- 3. Accessory structures, buildings, and uses, and on-site landscaping, shall be subject to the applicable development regulations of this zoning ordinance.

17.XX.140 High Density Residential 100 (HDR-100-HE)

- A. Intent – the intent of the High Density Residential 86 (HDR-86-HE) Housing Element Overlay Combining Zoning District is to permit multi-family residential development while continuing to maintain existing Permitted and Conditionally Permitted uses as legally conforming.
- B. Site Development Review -- Site Development Review shall be required for:
 - 1. construction or remodel of 1,000 sq.ft. or more of non-residential floor area;
 - 2. for construction of over 10 primary dwelling units;
 - 3. remodel of over 50% of the existing exterior volume of the total number of primary dwelling units; or
 - 4. development subject to the Housing Element Overlay District shall be reviewed under the procedures set forth in Sections 17.30.25 through 17.30.32 of this Title.
- C. Permitted Uses – Uses listed as Permitted in Section 17.16.020 - Permitted uses.
- D. Conditional Uses – Planning Commission – Uses listed as Conditionally Permitted in Section 17.16.025 - Conditional uses – Planning Commission.
- E. Conditional Uses – Board of Zoning Adjustments – Uses listed as Conditionally Permitted in Section 17.16.030 – Conditional Uses – Board of Zoning Adjustments.
- F. Reference to Residential Design Standards and Guidelines – Residential development shall be subject to the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, Chapter 6 “Standards that Apply to All or Some Development Projects with Residential Uses”, Chapter 7 “Definitions and Rules of Measurement”, and Chapter 8 “Residential and Mixed-Use Residential Objective Standards”. On matters not provided for in the “Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County”, as amended, or where there is a conflict with the regulations in this zoning district, the following regulations in this zoning district shall apply.
- G. Residential Density – 86 dwelling units per net acre minimum and 100 dwelling units per net acre maximum
- H. Other regulations –
 - 1. Residential development shall be subject to the following regulations:
 - a. Height: 7 stories maximum; 75 feet height maximum (roofs, rooftop decks, and rooftop equipment may encroach above max height up to 4 feet)
 - b. Setbacks:
 - i. Front Yard: 20 feet minimum
 - 1. May be modified if project design follows the development regulations of the *Ashland and Cherryland Business Districts Specific Plan*, Section 6.3.8 “Terrace” development, or Section 6.3.10 “Stoop” development, in which case the frontage development standard and design regulations shall apply per Section 6.3.8 “Terrace” development, or Section 6.3.10 “Stoop” development, respectively.
 - ii. Rear Yard: 20 feet minimum
 - iii. Street Side Yard: 10 feet minimum

- iv. Interior Side Yard: 10 feet minimum
- c. Lot coverage: 90% maximum
- d. Floor Area Ratio: 0.5 Minimum (applies only to lots 50 feet wide, or wider) and 3.0 maximum
- e. On-Site Common Useable Open Space: required for ten or more primary dwelling units at 1,000 square feet minimum, no less than 100 sq ft per unit, at a minimum dimension of 25 feet.
- f. Site Landscaping shall occupy a minimum 15% of project site.
- g. There shall be no minimum tree canopy shading requirements of on-site parking or vehicular access.
- h. On-site Parking:
 - i. a minimum of one on-site parking space per dwelling unit is required;
 - ii. if parking is provided: at least one car-share parking space must be designated in new residential developments that offer more than 10 private car parking spaces; two car-share parking spaces must be provided in developments with more than 30 private car parking spaces;
 - iii. Shared or unbundled vehicle parking is allowed (neither prohibited nor required);
 - iv. Minimum secured bicycle parking: one space per primary dwelling unit minimum;
 - v. parking regulations for residential development as listed in the *Ashland and Cherryland Business Districts Specific Plan* Section 6.4.1.2 General Parking Standards shall be applicable for residential development subject to this Zoning Ordinance section.
- i. Percent of lot width occupied by allowed frontage, or combination of frontages: 70% minimum.
- j. Allowable encroachments into setbacks (applies to encroachments of architectural features, balconies, decks, bay windows, etc):
 - i. Into front yard setback: 2 feet
 - ii. Into street side or rear yard setbacks: 4 feet
- 2. Non-residential development shall be subject to the development regulations of the Zoning Ordinance Chapter 17.16.
- 3. Accessory structures, buildings, and uses, and on-site landscaping, shall be subject to the applicable development regulations of this zoning ordinance.

17.XX.150 Bay Fair Transit Area High Density Residential 125 General Commercial (BTA-HDR-125-GC-HE)

- A. Intent – the intent of the Bay Fair Transit Area High Density Residential 125 General Commercial (BTA-HDR-125-GC-HE) Housing Element Overlay Combining Zoning District is to permit multi-family residential development while continuing to maintain existing Permitted and Conditionally Permitted uses as legally conforming.
- B. Site Development Review – Site Development Review shall be required for:
 - 1. any construction of over 10 primary residential dwelling units if the new construction is not affordable housing;
 - 2. remodel of 1,000 sq.ft. or more of non-residential floor area;
 - 3. remodel of over 50% of the existing exterior volume of the total number of primary dwelling units; or
 - 4. development subject to the Housing Element Overlay District and shall be reviewed under the procedures set forth in Sections 17.30.25 through 17.30.32 of this Title.
- C. Streamlined Site Development Review – Streamlined Site Development Review may be granted for new affordable housing construction if the development complies with the following criteria:
 - a. satisfies the requirements of Senate Bill 35 (2017, Weiner):
 - i. the project is at least 50% residential;

- ii. a minimum of 20% of proposed housing is affordable to low- or very low- income households;
 - iii. the height is within one story of the tallest approved height within a ½ mile; and
 - iv. the construction plan meets required labor standards described in the bill.
 - b. is located in the Housing Element Overlay;
 - c. development standards are met in the BTA-HDR-125-GC-HE Zoning District; and
 - d. development complies with the Objective Residential Design Standards.
- D. Permitted Uses – Uses listed as Permitted in Section 17.16.020 - Permitted uses, and in Section 17.36.020 Permitted Uses.
 - 1. Restaurants and cafes may include outdoor dining;
 - 2. Non-alcoholic retail may include outdoor display.
- E. Conditional Uses – Planning Commission – Uses listed as Conditionally Permitted in Section 17.16.025 - Conditional uses – Planning Commission.
- F. Conditional Uses – Board of Zoning Adjustments:
 - 1. Uses listed as Conditionally Permitted in Section 17.16.030 – Conditional Uses – Board of Zoning Adjustments;
 - 2. Public utility substation, not including service yard, storage of materials, or vehicles, or repair facilities;
 - 3. Commercial parking lot;
 - 4. Commercial parking garage;
 - 5. Alcohol outlet;
 - 6. Indoor recreation facility.
- G. Reference to Residential Design Standards and Guidelines – Residential development shall be subject to the "Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County", as amended, Chapter 6 “Standards that Apply to All or Some Development Projects with Residential Uses”, Chapter 7 “Definitions and Rules of Measurement”, and Chapter 8 “Residential and Mixed-Use Residential Objective Standards”. On matters not provided for in the “Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County”, as amended, or where there is a conflict with the regulations in this zoning district, the following regulations in this zoning district shall apply.
- H. Residential Density – 75 dwelling units per net acre minimum and 125 dwelling units per net acre maximum
- I. Other regulations –
 - 1. Residential development shall be subject to the following regulations:
 - a. Height: 7 stories maximum; 75 feet height maximum (roofs, rooftop decks, and rooftop equipment may encroach above max height up to 4 feet)
 - b. Setbacks:
 - i. Front Yard: Project development shall follow the development regulations of the *Ashland and Cherryland Business Districts Specific Plan*, per one or more of the following Sections:
 - 1. Section 6.3.6 “Shop front and Awning” development;
 - 2. Section 6.3.7 “Forecourt” development;
 - 3. Section 6.3.8 “Terrace” development;
 - 4. Section 6.3.10 “Stoop” development.
 - ii. Rear Yard: 5 feet, or 15 feet minimum if adjacent to residential
 - iii. Street Side Yard: 5 feet minimum
 - iv. Interior Side Yard: 0 feet minimum
 - c. Lot coverage: 90% maximum
 - d. Floor Area Ratio: 0.5 Minimum (applies only to lots 50 feet wide, or wider) and 3.5 maximum
 - e. Ground floor height: 15 feet minimum for non-residential use on ground floor

- f. Upper floor(s) height: 10 feet minimum
- g. On-Site Common Useable Open Space: required for ten or more primary dwelling units at 1,000 square feet minimum, no less than 100 sq ft per unit, at a minimum dimension of 25 feet.
- h. Site Landscaping shall occupy a minimum 15% of project site.
- i. There shall be no minimum tree canopy shading requirements of on-site parking or vehicular access.
- j. On-site Parking:
 - i. for residential uses: a maximum of one on-site vehicle parking space per primary dwelling unit is allowed;
 - ii. for non-residential uses: no minimum vehicle parking is required; maximum 2.5 parking spaces per 1,000 square feet.
 - iii. if parking is provided: at least one car-share parking space must be designated in new residential developments that offer more than 10 private car parking spaces; two car-share parking spaces must be provided in developments with more than 30 private car parking spaces;
 - iv. shared or unbundled vehicle parking is allowed;
 - v. for residential uses: a minimum of one secured bicycle parking space per primary dwelling unit;
 - vi. parking regulations for residential development as listed in the *Ashland and Cherryland Business Districts Specific Plan* Section 6.4.1.2 General Parking Standards shall be applicable for residential development subject to this Zoning Ordinance section.
- k. Percent of lot width occupied by allowed frontage, or combination of frontages: 70% minimum.
- l. Allowable encroachments into setbacks (applies to encroachments of architectural features, balconies, decks, bay windows, etc):
 - i. Into front yard setback: 2 feet
 - ii. Into street side or rear yard setbacks: 4 feet
- 2. Non-residential development shall be subject to the development regulations of the Zoning Ordinance Chapter 17.16.
- 3. Accessory structures, buildings, and uses, and on-site landscaping, shall be subject to the applicable development regulations of this zoning ordinance.

SECTION IV

17.55.180 Severability.

To the extent possible, this chapter shall be interpreted to be consistent with the provisions of Government Code Section 66310, *et seq.* If any part of this chapter is found to be invalid or inconsistent with Government Code Sections 66310, *et seq.*, such provision shall be null and void and the remaining sections will still be applied to the maximum extent feasible.

SECTION V

This Ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of 15 days after its adoption by the Board of Supervisors, this ordinance shall be published once with the names of the members voting for and against the same in a newspaper of general circulation published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the

XXXX day of XXXX, 2024, by the following called vote:

AYES:

NOES:

EXCUSED:

ABSTAINED:

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

Anika Campbell-Belton, Clerk
Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

DONNA R. ZIEGLER, COUNTY COUNSEL

By: _____
Melanie S. O'Brien
Deputy County Counsel