



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

PLANNING DEPARTMENT

Sandra Rivera
Agency Director

Agenda Item # 4
December 12, 2024

Albert Lopez
Planning Director

December 5, 2024

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Room 111

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Dear Board Members:

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SUBJECT: Proposed adoption of the Sixth Cycle Housing Element of the Alameda County General Plan and text and map amendments to the Castro Valley General Plan, Eden Area General Plan, Ashland and Cherryland Business District Specific Plan, Castro Valley Central Business District Specific Plan, Fairview Specific Plan, and San Lorenzo Village Center Specific Plan to change land use designations of various parcels to accommodate the Housing Element Sites Inventory, and adoption of an ordinance amending Title 17 of the Alameda County General Ordinance Code – Zoning, to change the land use designations of various parcels to accommodate the Housing Element Sites Inventory and to establish a Housing Element Zoning Overlay District for parcels on the Housing Element Sites Inventory

RECOMMENDATION:

- A. Adopt a resolution adopting the Alameda County Housing Element 6th Cycle (2023-2031) General Plan Element, adopting the Initial Study and Mitigated Negative Declaration prepared for the project, and making general and specific plan text and map amendments to implement the adopted Housing Element.
- B. Introduction and First Reading of an ordinance amending Title 17 of the Alameda County General Ordinance Code – Zoning, to implement the 2023-2031 Housing Element (6th Cycle).

BACKGROUND:

State law requires every city and county to adopt a general plan to guide development within its jurisdiction. The Housing Element is one of eight required elements of the general plan. Local jurisdictions must revise their housing elements every eight years in compliance with Article 10.6. of the California Government Code (State Housing Element Law) to adequately plan to meet the housing needs of everyone in their communities, at all income levels.

On September 21, 2023, your Board authorized staff to transmit the first Public Review Draft of the Sixth Cycle Housing Element to the State Department of Housing and Community Development (State HCD) for a 90-day review period, as required by state law. The Public Review Draft had been posted on the Planning Department's website from August 3rd to

Appendix A: Housing Needs Assessment – Appendix A is an analysis of the existing and projected housing needs of the community. It provides a profile of socio-demographic information, such as population characteristics, household information, housing stock, tenure, and housing affordability. The assessment also considers groups with special housing needs, such as seniors, farmworkers, the homeless, large households, and female-headed households.

Appendix B: Sites Inventory and Methodology – Appendix B includes an inventory listing adequate sites zoned for residential uses and available for development within the planning period to meet the County’s fair share of regional housing needs across all income levels.

Appendix C: Housing Constraints – This appendix contains an assessment of impediments to housing production across all income levels covering both governmental (e.g., zoning restrictions, fees, etc.) and nongovernmental (e.g., market, environmental, etc.) constraints.

Appendix D: Existing Programs Review – Appendix D is an evaluation of the results of the goals, policies, and programs adopted in the previous Housing Element (5th Cycle) that compares projected outcomes with actual achieved results.

Appendix E: Public Participation Summaries – This appendix includes a detailed summary of public outreach conducted during the preparation of the Housing Element. This section is not yet complete since the outreach process will continue through adoption of the Element.

Appendix F: Affirmatively Furthering Fair Housing Assessment – To ensure that sites for housing, particularly lower-income units, provide access to amenities and opportunities, the analysis in this appendix assesses accessibility to jobs, transportation, good education, and health services relative to the housing sites identified in Appendix B to determine how the inventory affects fair housing conditions and access to opportunity.

Appendix G: Housing Resources – Appendix G provides a list of financial, administrative, and other resources at the local, regional, state, and federal levels to help the County address its housing needs.

Affirmatively Furthering Fair Housing (AFFH)

This new requirement for the Sixth Housing Element Cycle, put in place by AB 686 (2018)(codified at Government Code Sections 65583 and 65583.2), requires that housing elements demonstrate that the local jurisdiction is “affirmatively furthering fair housing.” Jurisdictions need to show compliance with the statute by:

- analyzing existing fair housing and segregation issues,
- identifying fair housing goals,
- developing strategies to implement these goals, and
- ensuring sites in the inventory are identified in such a way that promotes AFFH

The findings of the AFFH assessment, included in Appendix F, need to be considered in virtually every chapter of the element. The assessment includes a narrative of fair housing history in the Unincorporated County and a quantitative analysis of race, income, housing, and other data at both the local and regional levels. The assessment is based in part on jurisdiction-specific analyses of relevant data provided by Association of Bay Area Government (ABAG) staff.

The AFFH analysis was used to inform fair housing goals, policies, and programs in the draft Housing Element, focusing on groups identified by the state as having special housing needs. These groups include renters, large families, households facing housing insecurity or at risk of displacement, single-parent families, agricultural workers, seniors, people with disabilities, and people experiencing homelessness.

Draft Housing Plan

The Housing Plan of the Housing Element serves as the County's strategy for addressing its housing needs. It describes the housing goals, policies, and programs for the County. The goals indicate the County's direction and intent on housing-related needs. Each goal encompasses several policies, which are statements that describe the County's preferred course of action among a range of other options. Each goal also includes programs, which provide actionable steps to implement the County's goals and to further the County's progress towards meeting its housing allocation obligation. Some programs contain quantified objectives, which represent measurable outcomes that can be used to benchmark the success of each program.

The Housing Element contains actions intended to significantly increase the amount and types of housing for all income levels in the Unincorporated County. These efforts are expected to be initiated throughout the planning period, ending January 31, 2031. In accordance with state law, the County will also evaluate the progress and effectiveness of Housing Element programs on an annual basis. Together, these actions reflect the County's commitment to increasing affordable housing and improving existing housing conditions. The goals, policies, and programs comprise a combination of strategies, including a continuation of existing successful policies and programs as well as new policies and programs to tackle emerging opportunities and constraints, address changes in state law, and provide innovative approaches to accommodate the County's larger RHNA.

Regional Housing Needs Allocation (RHNA)

The RHNA is based on estimates, produced by the State Department of Finance (DOF) and State HCD, of the level of residential construction necessary to accommodate projected population growth during the planning period and to make up for current deficiencies in housing supply for existing residents. The state agencies determined the housing need for each region in the state and the Council of Governments for each region allocates a share of the regional housing need to each city and county in the region. ABAG is responsible for determining the RHNA for each local jurisdiction in the San Francisco Bay Area. As a result of recent state legislation, the new RHNA process placed greater emphasis on social equity and the existing shortage of housing units available. State HCD's oversight was also expanded to include approval of the allocation methodology in each region.

The RHNA for Unincorporated Alameda County for the 2023-2031 Housing Element cycle is a total of 4,711 new housing units, 2.66 times higher than the RHNA of 1,769 units for the previous 2015-2022 Housing Element cycle. The County's RHNA by income category is provided in the table below.

Unincorporated Alameda County RHNA					
<i>Cycle</i>	<i>Very Low Income ($<50\%$ of A_1 Median Income)</i>	<i>Low Income ($50-80\%$ of A_1 Median Income)</i>	<i>Moderate Income ($80-120\%$ of A_1 Median Income)</i>	<i>Above Income ($>120\%$ of A_1 Median Income)</i>	<i>Moder. Total</i>
2015-2023	430 units	227 units	295 units	817 units	1,769 units
2023-2031	1,251 units	721 units	763 units	1,976 units	4,711 units
% Increase	191%	218%	159%	142%	166%

Sites Inventory

Methodology for Site Identification

The inventory of sites available for residential development contains an estimate of the number of housing units that could be constructed on each parcel, based on the zoning, general plan land use designation, and physical conditions on the site; the inventory is required to demonstrate that there is adequate capacity in the Unincorporated Area to accommodate the RHNA assigned to the County. A total of 527 sites have been identified throughout the Unincorporated Area to accommodate 5,124 units. Planning staff used the following methodology to prepare the Sites Inventory:

1. Identified projects in the development “pipeline”
2. Identified vacant public and private parcels, using assessor’s data, satellite imagery, and local knowledge
3. Identified underutilized parcels. ‘Underutilized’ is defined as the land itself being worth more than the existing improvements (pavement, buildings, etc.). Most of the underutilized sites included in the inventory are large parking lots, sites that are mostly vacant or parking with older (pre-1980) buildings and vacant commercial buildings.

After identifying vacant and underutilized sites, staff identified prospective sites that would be suitable for rezoning to meet the RHNA. The number of sites proposed for rezoning has increased over the earlier iterations of the Housing Element Draft to account for previous comments from residents and State HCD, staff’s ability to demonstrate sites’ likelihood of development within the planning period (2023-2031), and changes in the availability of land, including removal of a few sites at the request of the property owner, while also maintaining a minimum of 4,711 estimated units to fulfill the RHNA obligation and provide buffer sites. Additionally, 427 ADUs are expected to be constructed during the planning period. This is based on the average rate of ADU construction from 2019 to 2023.

Response to State HCD’s Housing Mobility Comments

State HCD’s January 4th letter to the County commenting on the First Draft Housing Element indicated the need to increase housing mobility by expanding housing choices through the addition of unit capacity on sites in High Opportunity areas (much of northern Castro Valley) and lower density areas (Fairview and much of northern Castro Valley). To respond to the state’s comment, staff has proposed rezoning some currently vacant residentially zoned parcels in Fairview and northern Castro Valley to allow up to 17 dwelling units per acre. Units at this density are considered above moderate-income housing.

Final Draft Sites Inventory Totals by Community

In the Final Draft Sites Inventory, there are 527 total sites, which includes 103 parcels proposed for rezoning either to increase the density allowed or to add housing as an allowed use, 24 parcels identified as underimproved, 181 vacant parcels, and 219 parcels that have housing projects in the “pipeline” meaning that an application for a housing development has been submitted or a housing project has already been approved. The majority of RHNA units are in the Eden Area (approximately 44.5%) and Castro Valley (approximately 32.9%) with the remainder in Fairview and East County (see table below).

In addition to the sites listed in the inventory, projected development of accessory dwelling units (ADUs) over the eight-year planning period can be counted toward the sixth cycle RHNA. Planning staff anticipate including 427 ADUs toward meeting the RHNA, based on ADU construction numbers from 2018 to 2023. These ADUs are expected to be distributed throughout the urban unincorporated area. Projected ADUs are assigned to income categories in accordance with ABAG guidance.

Estimated Sites Inventory Units by Community						
	Total Proposed Units	Above Moderate Income Units	Moderate Income Units	Low and Very Low Income Units	% Units from Rezones	% Units from Permitted Projects
<i>Eden Area</i>	2,279	735	393	1,151	75.0%	14.5%
<i>Ashland</i>	1,489	351	282	856	80.6%	10.1%
<i>Cherryland</i>	197	56	54	87	43.7%	8.6%
<i>San Lorenzo</i>	535	315	33	187	72.0%	28.0%
<i>Hayward Acres</i>	58	13	24	21	65.5%	22.4%
<i>Castro Valley</i>	1,685	642	344	699	63.1%	18.4%
<i>Fairview</i>	512	477	26	9	78.7%	5.3%
<i>East County</i>	648	553	3	92	0.0%	100.0%
Projected ADU count	427	42	128	257	-	-
Total (no ADU projections)	5,124	2,407	766	1,951	62.0%	25.7%
Total (with ADUs)	5,551	2,449	894	2,208	-	-
RHNA	4,711	1,976	763	1,972	-	-
Unit Buffer <i>Unit #, % of RHNA</i>	840, 17.8%	473, 23.9%	131, 17.2%	236, 12.0%	-	-

A full description of the sites inventory can be found in Appendix B of the Draft Housing Element.

The attached resolution includes proposed text and map amendments to the Castro Valley and Eden Area General Plans, Ashland and Cherryland Business District Specific Plan (ACBD), Castro Valley Central Business District Specific Plan, Fairview Area Specific Plan, and San Lorenzo Village Center Specific Plan. The attached ordinance includes proposed text and map amendments to the County Zoning Ordinance (Title 17 of the County General Ordinance Code) to increase the allowed residential density or allow residential uses on parcels currently designated for only non-residential uses to accommodate the number of residential units estimated for parcels listed in the Housing Element Sites Inventory.

No Net Loss Law

California Government Code Section 65863 (“No Net Loss” Law) is intended to ensure development opportunities remain available throughout the housing element cycle to accommodate a jurisdiction’s RHNA, especially for lower- and moderate- income households. A jurisdiction must maintain adequate sites on its sites inventory to accommodate its remaining unmet RHNA by each income category at all times during the entire planning period. If a jurisdiction approves development of a parcel identified in its sites inventory with fewer units than shown in the Housing Element, it must either make findings that the Housing Element’s remaining sites have sufficient capacity to accommodate the remaining unmet RHNA by each income level or identify an additional site or sites to accommodate the remaining unmet RHNA for each income category.

To ensure the County continues to comply with the No Net Loss Law, a unit buffer, in addition to the number of units required by the RHNA, has been included in the sites inventory for each income level. The current buffer for the low, very low, and extremely low income levels is approximately 12% of the number of units required by the RHNA, the buffer for the moderate income level is approximately 17%, and the buffer for the above moderate income level is approximately 24%. Buffer sizes vary widely between jurisdictions. Examples of buffers included in the sites inventories of other Bay Area Counties are provided in the table below.

County	Low, Very Low, & Extremely Low Income	Moderate Income	Above Moderate Income
Alameda	12%	17%	24%
Contra Costa	41%	46%	31%
Santa Clara	30%	43%	216%
Sonoma	12%	51%	11%

Housing Element Zoning Overlay Combining District

The proposed Housing Element Zoning Overlay Combining District (HE District) is intended to be combined with the existing and new base zoning districts on parcels listed on the Housing Element Sites Inventory to incentivize the production of housing at all income levels by providing a streamlined permitting process for development. The attached ordinance includes the text of the proposed HE District, which provides guidelines and approval procedures for the development and improvement of land within combining HE districts in the unincorporated area. The draft text in the attached ordinance also includes the applicable zoning standards, development standards, planning permit required, and procedure based on the density permitted by the applicable General Plan, Specific Plan and/or Zoning designations.

Outcome of Recent MAC and Planning Commission Meetings

November 7th and 12th MAC Meetings

The Fairview Municipal Advisory Council (MAC) considered the Draft Housing Element at its November 7, 2024, meeting and the Castro Valley and Eden Area MACs considered the Draft Housing Element at their meetings on November 12, 2024. All three MACs voted to reject the Draft Housing Element and recommend that the Board of Supervisors not approve the Housing Element or proposed General Plan, Specific Plan, and Zoning Ordinance amendments. The comments received from MAC members and member of the public at each of the three meetings were primarily regarding potential impacts on existing communities of new residential development. Commenters expressed concerns about the potential adverse effects the proposed housing could have on existing infrastructure, utilities, public services, including

schools and parks; and public safety. Summaries of the comments received at each MAC meeting are provided in Attachment 3.

November 18th Planning Commission Meeting

At its November 18, 2024, meeting, the Planning Commission voted 4 to 3 to not approve the Draft Housing Element due to a lack of accuracy in the document, a lack of transparency during the preparation of the document, and because the Element was rejected by all three MACs. Some commissioners suggested that the current draft should be discarded and the process restarted. A summary of the comments received at the Planning Commission meeting is provided in Attachment 3.

December 2nd BOS Transportation and Planning Committee

At its December meeting the BOS Transportation and Planning Committee lacked a quorum. The one Committee member present listened to an informational presentation by staff and public comment. Most of the testimony was from the Fairview community related to land use changes (rezonings) concerns on specific sites and the process for approving projects. There were other general comments mostly critical of the document, with one speaker in support of the project. Staff responded to questions from the Supervisor, and the next steps were explained related to receiving State certification by the end of 2024.

Changes made as a result of public comment

Staff has revised the draft Housing Element document throughout the public review process, balancing the input from community members and the review and direction provided by State HCD, particularly as the State review ended. Being careful to minimally make changes to land use that both addressed community concerns as well as meeting State requirements was a challenge for Staff. Where community concerns directly conflicted with State level requirements, Staff was not able to be as responsive, but there have been changes made.

In particular the sites inventory has changed since the first drafts, with some sites being added and some sites being removed, if at all possible. In most cases, sites were identified to meet a particular provision in State law and their removal is not possible given it could jeopardize the certification of the Housing Element by State HCD.

Proposed Additional Changes

There were also concerns with the process of reviewing and approving projects, mostly by Fairview residents. As staff has continued to analyze state law and confer with State HCD on this specific matter, a significant change is being proposed as an amendment to the Housing Element Overlay Zone. This change would allow for a discretionary permit (Site Development Review) in lieu of ministerial review, for projects in the Above Moderate income category and in the 9-21 units/acre category (see Overlay section 17.31.050). This change would allow community review and a maximum of two hearings at a Municipal Advisory Council, depending on the location. Staff recommends that your Board amend the draft Ordinance prior to first reading to implement this change.

Community Engagement during Preparation of the Housing Element

Since County staff began work on the preparation of the Sixth Cycle Housing Element in the fall of 2021, staff has made presentations on the project and requested input from the public and decision-makers at a total of 30 meetings before various County decision-making bodies. These include 5 meetings each of the

Castro Valley, Eden Area, and Fairview MACs, 2 joint MAC meetings, 4 meetings of the Agricultural Advisory Committee, 7 meetings of the Planning Commission, and 3 meetings of the Board Unincorporated Services Committee.

In addition, the Planning Department's website hosted a dedicated Housing Element Update webpage (<https://www.acgov.org/cda/planning/housing-element/housing-element.htm>) to provide information on the Housing Element update process and timeline, resources (e.g., reference material, draft documents, etc.), meeting notices and materials, and County contact information. Members of the public were encouraged to sign up to receive email notifications about upcoming meetings and availability of documents and information. Throughout the Housing Element update process, the listserv has had approximately 1,000 to 1,200 subscribers. In addition, staff have used the Alameda County NextDoor account to promote the second and third draft comment periods, for a total of more than 700 impressions. Appendix E of the Draft Housing Element includes a list of the meeting where the Housing Element was discussed, slides presented at the meetings, and summaries of comments received.

Other outreach activities included online office hours held by County staff from November 2022 to January 2023, a virtual workshop in February of 2023 for the owners of properties on the draft sites inventory at that time, a public workshop on the First Draft Housing Element in August of 2023, outreach to the school districts and utility providers that serve the Unincorporated Area, presentations at 2 meetings of the Ashland Cherryland Healthy Communities Collaborative, which represents a variety of organizations and government agencies that serve the residents of the Eden Area, and interviews with various community organizations. In addition, a housing needs survey was offered in Spanish and English on the County website while staff were drafting the Housing Element. Links to the survey were sent to the County's Housing Element listserv, posted to various online newsletters, and in flyers distributed in San Lorenzo Village and along the East 14th Street and Mission Boulevard corridor in Ashland and Cherryland. Appendix E of the Draft Housing Element includes a description of these outreach efforts.

CEQA

The Draft Housing Element, as well as the proposed general plan, specific plan, and zoning ordinance text and map amendments, have been reviewed in accordance with the provisions of the California Environment Quality Act (CEQA). An Initial Study (IS) was prepared which demonstrates that there is no substantial evidence that the proposed amendments will have a substantial effect on the environment. Based upon that Initial Study, the Alameda County Planning Department prepared a Mitigated Negative Declaration (MND) for the proposed amendments. An IS-MND was released for public review on November 3, 2023, and comments were accepted through December 4, 2023.

To address subsequent changes to the number and location of properties listed on the Sites Inventory, a revised IS-MND was prepared and recirculated for public review from September 13, 2024, through October 14, 2024.

The Final IS-MND document includes comments received during the circulation of the Initial Study-Mitigated Negative Declaration (IS-MND) and responses to those comments. This document also includes revisions to the IS-MND made in response to comments, and the Mitigation Monitoring and Reporting Program (MMRP).

Staff received six comment letters on the Draft IS-MND. Chapter 2, "Responses to Comments on the Draft IS-MND," identifies these commenting parties, their respective comments, and responses to these comments. None of the comments received, or the responses provided, constitute a "substantial revision"

by CEQA standards (CEQA Guidelines Section 15073.5). Staff received four comment letters on the Recirculated Draft IS-MND. Chapter 3, "Responses to Comments on the Recirculated Draft IS-MND," identifies these commenting parties, their respective comments, and responses to these comments. None of the comments received, or the responses provided, constitute a "substantial revision" by CEQA standards (CEQA Guidelines Section 15073.5). Chapter 4: Draft IS-MND Revisions contains corrections to the Recirculated Draft IS-MND that are necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Recirculated Draft IS-MND.

The Board of Supervisors will be asked to adopt the IS-MND as part of the approval of the Housing Element and proposed general plan, specific plan, and zoning ordinance text and map amendments. The Recirculated Draft IS-MND and the Final IS-MND are available on the Planning Department website at <https://www.acgov.org/cda/planning/housing-element/ceqa.htm>.

Consequences of not having a Certified Housing Element

Loss of Eligibility for State and Regional Grants

The following is a list of known grants that have been or will be jeopardized or lost if the County does not have a certified Housing Element:

- One Bay Area Grants (OBAG)
 - \$9.21 million OBAG 3 grant for Upper San Lorenzo Creekway Trail will be lost if Housing Element not approved by the end of the year.
 - County will not be eligible for future grant cycles without a certified Housing Element.
- Alameda County Transportation Commission Active Transportation Program
 - ACPWA and the Public Health Dept applied for a project earlier this summer for approximately \$999,000.
- Metropolitan Transportation Commission (MTC) Transit Oriented Communities (TOC) Grant
 - Applications submitted on November 22, 2024, for approximately \$2,000,000 in grants to prepare for TOC compliance from MTC.
 - Must have certified Housing Element when awards are announced (February 2025)
- Homelessness Funding.
 - Homeless Housing, Assistance and Prevention (HHAP-5) Funding for the County-Oakland-Berkeley Continuum of Care (CoC) (\$14,033,347.21) and the County (\$13,463,753.50) was awarded to Housing and Homelessness Services because OHCC was only able to provide State HCD with a realistic timeline/status update on the County's road to compliance.
 - A second round of HHAP-5 funding and any Round 6 funding will not be accessible for the CoC or the County without a compliant element.
 - A supplemental Homekey grant opportunity expected in 2025 will require Housing Element compliance.
 - This homelessness funding is used throughout the County, not only in the Unincorporated Area.

Litigation from State HCD, housing advocates, or developers

The following is a list of potential outcomes from litigation brought against the County by State HCD, housing advocates, or developers if the County does not have a certified Housing Element:

- Mandatory compliance – The court may order the county to bring the Element into compliance within 120 days or may appoint an agent to bring the Housing Element into compliance

- Financial penalties through court-issued judgements (up to \$100,000 per month) if County fails to comply
- Suspension of authority to issue building permits or grant zoning changes, variances or subdivision map approvals
- Court approval of housing developments
- Potentially responsible for plaintiff's attorneys' fees


Potential "Builders' Remedy" projects

Housing Accountability Act (Government Code Section 65589.51) requires a local jurisdiction that does not have a compliant housing element to approve housing developments with 20 percent of the total units available to lower income households or with all units available for moderate- or middle-income households, regardless of zoning. The County has received one Builders Remedy project application.

CONCLUSION:

Staff requests that your Board adopt the attached resolution adopting the Draft Housing Element, Initial Study-Mitigated Negative Declaration, and proposed text and map amendments to various General Plan and Specific Plan documents, and conduct the first reading of the ordinance amending the County Zoning Ordinance to implement the Housing Element. Your Board is scheduled to conduct the second reading of the ordinance on December 17, 2024. After your Board approves the Housing Element, the General Plan and Specific Plan amendments, and Zoning Ordinance amendments, the final approved documents will be sent to State HCD for certification of the Housing Element.

Very truly yours,

DocuSigned by:

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Sandra Rivera, Director
Community Development Agency

ATTACHMENTS:

- Attachment 1 - Resolution of the Board of Supervisors Adopting the Alameda County Housing Element 6th Cycle (2023-2031) General Plan Element, Adopting the Initial Study and Mitigated Negative Declaration Prepared for the Project, and Making General and Specific Plan Text and Map Amendments to Implement the Housing Element
- Attachment 2 - An Ordinance Amending Title 17 of the Alameda County General Ordinance Code – Zoning, to Implement the 2023-2031 Housing Element (6th Cycle)
- Attachment 3 - Municipal Advisory Council and Planning Commission Actions and Comments

RESOLUTION NO. 2024-_____

RESOLUTION OF THE BOARD OF SUPERVISORS ADOPTING THE ALAMEDA COUNTY HOUSING ELEMENT 6TH CYCLE (2023-2031) GENERAL PLAN ELEMENT, ADOPTING THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION PREPARED FOR THE PROJECT, AND MAKING GENERAL AND SPECIFIC PLAN TEXT AND MAP AMENDMENTS TO IMPLEMENT THE HOUSING ELEMENT

Section I
Recitals

WHEREAS, the County of Alameda (County) Board of Supervisors (Board) received a petition initiated by Alameda County Planning Department to amend the Alameda County Housing Element; and

WHEREAS, the Regional Housing Needs Assessment (RHNA) allocated to the County requires the County to accommodate 4,711 housing units at a variety of incomes levels throughout the unincorporated area of Alameda County; and

WHEREAS, to comply with Article 10.6. of the California Government Code (State Housing Element Law), the County prepared the 2023-2031 Housing Element (the Housing Element) in compliance with State Housing Element Law and identified sites that can accommodate housing units in the unincorporated area of Alameda County to meet the County's RHNA obligation; and

WHEREAS, as provided in Government Code section 65350, et. seq., adoption of the Housing Element constitutes a General Plan amendment; and

WHEREAS, as required by Government Code sections 65352 – 65352.5, the County mailed a notice to all California Native American tribes on the list provided by the Native American Heritage Commission and to other entities identified on that list; and

WHEREAS, no California Native American tribe requested consultation; and

WHEREAS, the County conducted extensive community outreach regarding the Housing Element over the last two years, including 23 public workshops held before the County's Municipal Advisory Councils, Planning Commission, and Board subcommittees; and

WHEREAS, in accordance with Government Code Section 65585 (b), on August 16, 2024, the County posted the draft Housing Element to the County website and requested public comment for a 39-day review period, and on September 30, 2024, after responding to public comments, the County submitted the draft Housing Element to the California Department of Housing and Community Development (HCD) for its review; and

WHEREAS, on October 10, 2024, HCD contacted the County to discuss the adequacy of the draft Housing Element and, based upon this discussion, County staff revised the draft Housing Element to include additional information and data; and

WHEREAS, on October 30, 2024, the County published a revised draft Housing Element responding to HCD's findings and requested public comment on the draft for 7 days; and

WHEREAS, on November 7, 2024, the County received a letter from HCD stating that the draft Housing Element meets the statutory requirements of State Housing Element Law, and will be in substantial compliance with State Housing Element Law when the Housing Element, associated zoning, and General and Specific Plan amendments are adopted by the Board and resubmitted to HCD; and

WHEREAS, on November 7, 2024, the County published the final draft Housing Element (determined to meet statutory requirements by HCD) on the County website and requested public comment on the final draft; and

WHEREAS, on November 18, 2024, the County Planning Commission held a duly and properly noticed public hearing and recommended that the Board reject the Housing Element on the basis that there was no support for it from the Municipal Advisory Councils, the lack of transparency on the land use changes, and a concern about accuracy of information presented; and

WHEREAS, the Alameda County Planning Department prepared a Mitigated Negative Declaration (MND) for the proposed amendments based on an Initial Study, and the MND was available for public comment from September 13 to October 14, 2024; and

WHEREAS, on December 12, 2024, the Board conducted a duly and properly noticed public hearing to take public testimony and consider this Resolution regarding the proposed Housing Element, reviewed the Housing Element and all pertinent maps, documents and exhibits, including HCD's findings, the County's response to HCD's findings, the staff report, and all attachments, and oral and written public comments.

Section II **Findings**

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby makes these findings based on substantial evidence in the record:

- A. The foregoing Recitals are true and correct and are incorporated by reference into this action.
- B. The following findings are made pursuant to State law:
 1. The various amendments to the County's General Plan text and map, and rezonings will not negatively impact public health, safety, or general welfare.
 2. The various amendments to the County's General Plan text and map, and rezonings are consistent with the General Plan's goals, policies, and objectives.
 3. The various amendments to the County's General Plan text and map, and rezonings are generally compatible with the land use and zoning of nearby properties.
 4. The various amendments to the County's General Plan text and map, and rezonings are suitable for the type and amount of housing being proposed.

- C. The Housing Element substantially complies with Housing Element Law, as provided in Government Code section 65580, et seq., and contains all provisions required by Housing Element Law.
- D. Based on substantial evidence in the record pertaining to location, existing uses, and low building-to-land value, the existing uses on the non-vacant sites identified in the site inventory to accommodate the County's RHNA are likely to be discontinued during the planning period and therefore do not constitute an impediment to planned residential development on the sites during the planning period.
- E. As required by Government Code section 65585(e), the Board has considered the findings made by the HCD, included in HCD's correspondence to the County throughout their review process, and the Board has amended the Housing Element in response to the findings of HCD to substantially comply with the requirements of State Housing Element Law, as interpreted by HCD.
- F. This amendment of the Alameda County General Plan is in the public interest as the Alameda County Housing Element 6th Cycle (2023-2031) would promote the development of housing affordable to persons at all income levels through policies that set forth general and broad goals, policies and implementation actions intended to provide more specific direction to current and future actions undertaken by the public and private sectors.
- G. Amending the Alameda County General Plan to adopt the Housing Element is consistent with other documents that comprise the County's General Plan.
- H. Certain General and Specific Plan amendments, both text and land use map designations amendments, and rezonings are required throughout the unincorporated area of the County to comply with State Housing Law and the RHNA, and to implement the Housing Element.

Section III
CEQA

NOW, THEREFORE, BE IT RESOLVED that this Board considered the proposed Mitigated Negative Declaration (MND) and certifies that it has been completed in compliance with the California Environmental Quality Act (CEQA), and finds on the basis of the whole record before it that there is no substantial evidence that the Alameda County Housing Element will have a significant effect on the environment, that the MND reflects the independent judgment and analysis of the County, and hereby adopts the MND.

Section IV
Adoption of Housing Element

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

- A. The 2015-2023 County of Alameda Housing Element is hereby repealed in its entirety, and the 2023-2031 County of Alameda Housing Element, as shown in Exhibit A to this Resolution and incorporated by this reference, is hereby adopted.

- B. The Community Development Agency director or designee is directed to file all necessary material with HCD for HCD to certify the Housing Element as in conformance with State Housing Element Law.
- C. The Community Development Agency director or designee is further directed and authorized to make minor, non-substantive changes to the Housing Element to ensure that it is internally consistent and to address any non-substantive changes or amendments requested by HCD to achieve certification.
- D. The Community Development Agency director or designee is also directed to distribute copies of the Housing Element in the manner provided in Government Code sections 65357 and 65589.7.

Section V
Castro Valley General Plan Text Amendments

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby adopt the following text amendments to the Castro Valley Area General Plan:

A. Table 4.2-1A is amended to read as follows, using strikeouts for deletions, and underline for new text.

Table 4.2-1A: Residential Land Use Classifications				
Land Use Category	Description	Corresponding Existing Zoning	Proposed Zoning	Maximum Density (Units per Net Acre)
Rural Residential	This designation is intended to retain opportunities for rural living with very low density, one-family detached housing on large lots greater than 20,000 square feet in size. The primary purpose is residential with the secondary purpose being crops, orchards, and gardens, and limited animal-keeping.	R-1(B-40); R-1(B-E, CSU, RV); R-1(L, B-E)	RR-40; RR-20	1-2

Table 4.2-1A: Residential Land Use Classifications

Land Use Category	Description	Corresponding Existing Zoning	Proposed Zoning	Maximum Density (Units per Net Acre)
Hillside Residential	This designation is used in areas of steep slopes and/or high fire hazard areas to ensure that adequate mitigations are identified for the development of one-family detached dwellings. Lots range from 5,000 to 10,000 square feet resulting in residential densities between 4 and 8 units per net acre. Minimum lot sizes are to be based on the slope.	R-1 (B-E, CSU, RV); R-1 (B-E)	RH-10: minimum 10,000 sf lot; RH-8: minimum 8,000 sf lot; RH-7.5: minimum 7,500 sf lot; RH-6.5: minimum 6,500 sf lot; RH-5: minimum 5,000 sf lot	4-8
Residential – Single Family	This land use category provides for and protects established neighborhoods of one-family dwellings. Community facilities compatible with low-density residential uses ranging from 4 to 8 units per net acre are allowed.	R-1	R-1-7.5: minimum 7,500 sf lot; R-1-5: minimum 5,000 sf lot	4-8

Table 4.2-1A: Residential Land Use Classifications

Land Use Category	Description	Corresponding Existing Zoning	Proposed Zoning	Maximum Density (Units per Net Acre)
Residential – Small Lot	<p>This designation is intended to provide for and protect small lot subdivisions where a variety of housing types are located on lots between 2,500 and 5,000 square feet in size. Housing types include one-family detached, duplexes, townhouses, and rowhouses and other housing types. Residential densities range from 8 to 17 units per net acre. For <u>parcels in the Housing Element Zoning Overlay, projects eligible for permit streamlining.</u></p>	RS; R-2; RS(D-35); RS(D-25)	<p>RSL-5: One-family detached, duplexes and townhouses with maximum 5,000 sf lot area per unit; RSL-3.5: Small one-family detached with 3,500 to 5,000 square foot lot per unit; RSL-2.5: Duplexes, and townhouses and other attached housing types, with 2,500 square foot lot per unit. For <u>parcels in the Housing Element Zoning Overlay, minimum parcel size is 1,200 square feet.</u></p>	8-17
Residential – Low Density Multifamily	<p>This designation is intended for high density townhouses, and low density multi-family residential uses such as garden apartments and condominiums. Typical lot sizes are 2,000 square feet per unit. Residential densities range from 18 to 22 units per net acre.</p>	R-3; RS(D-20)	RLM	18-22

Table 4.2-1A: Residential Land Use Classifications

Land Use Category	Description	Corresponding Existing Zoning	Proposed Zoning	Maximum Density (Units per Net Acre)
Residential – Medium Density Multifamily	This designation is intended for medium density apartments and condominiums. Typical lot sizes are 1,500 square feet per unit. Residential densities range from 23 to 29 units per net acre.	RS(D-3); RS(D-15)	RM	23-29
Residential – Mixed Density	This land use category is intended to provide a variety of housing types near commercial business districts while maintaining the existing character and development pattern of the neighborhood. The housing types include one-family dwellings, duplexes, townhomes, and two-story multi-family residential uses. Residential densities range from 8 to 29 units per net acre based on the lot width, depth, and size.	R-1; R-2; R-3; R-4; RS; RS(D-25); RS(D-3); RS(D-35)	RMX	8-29

Table 4.2-1A: Residential Land Use Classifications

Land Use Category	Description	Corresponding Existing Zoning	Proposed Zoning	Maximum Density (Units per Net Acre)
Residential – Downtown Mixed Use	The Downtown Mixed Use land use category allows for a vertical mix of uses that is uniquely appropriate to the central business district. The primary use is high density multi-family residential with densities ranging from 30 to 60 units per net acre. Ground floor commercial uses are required along Castro Valley Boulevard west of Forest Avenue or Norbridge. Landscaped front yards are required along Castro Valley Boulevard east of Forest Avenue. Ground floor commercial uses are encouraged along other high-traffic streets. <u>Residential is permitted as a primary use on sites listed in the Housing Element Zoning Overlay</u>	Portions of CBD Sub-area 10	CBD-RMU-40; CBD-RMU-60	30-60; ** 1.0 FAR* <u>40-86 units per acre***</u>
<u>Residential 60</u>	<u>Sites identified to implement Housing Element, are located outside the Downtown Specific Plan and are suitable for higher density residential as a primary use.</u>		<u>Residential 60</u>	<u>***60 units per acre</u>
<u>Residential High Density 100</u>	<u>Sites identified to implement Housing Element, are located outside the Downtown Specific Plan and are suitable for highest density residential as a primary use.</u>		<u>High Density Residential 100</u>	<u>***100 units/acre</u>

Table 4.2-1A: Residential Land Use Classifications				
Land Use Category	Description	Corresponding Existing Zoning	Proposed Zoning	Maximum Density (Units per Net Acre)
Residential – Downtown Low Density	This designation is for the existing single-family neighborhoods within the CBD Specific Plan Area. Lot sizes are typically 5,000 square feet. One-family detached dwellings and duplexes are allowed.	Portions of CBD Sub-area 11	CBD-R-1 or R-1	10
Residential – Downtown Medium Density	This designation is applied to existing residential areas close to Castro Valley Boulevard commercial areas and the BART station. Housing types include townhouses, condominiums and apartments. Residential densities range dependent on lot size and width.	Portions of CBD Sub-area 11	CBD-RMX or RMX	8-29
<p>* FAR = Floor Area Ratio. Floor Area Ratio is equal to the total square feet of floor area divided by the total square feet of lot area. Floor area excludes areas devoted to parking.</p> <p>** On sites with mixed-use development, commercial density (FAR) and residential density (units per acre) are allowed to be combined, provided that buildings meet all other development standards.</p> <p>*** On sites listed in the <u>Housing Element Zoning Overlay</u>, residential is allowed as a <u>primary use</u> per the described density.</p>				
<p><i>Source: Kahn/Mortimer/Associates and Dyett & Bhatia: 2010, Castro Valley Central Business District Specific Plan, 1993.</i></p>				

B. Table 4.2-1C is amended to read as follows, using strikeouts for deletions, and underline for new text:

Table 4.2-1C: Commercial and Central Business District Land Use Classifications

Land Use Category	Description	Corresponding Existing Zoning Districts	Proposed Zoning	Maximum Intensity (FAR*) and Density (units per acre)
Commercial Land Uses				
Neighborhood Commercial Mixed Use	This designation applies to areas where the primary purpose is for neighborhood-serving retail and commercial service uses. Typical uses include but are not limited to convenience stores, small restaurants, hair salons, and fitness studios. Multi-family residential and live-work uses are allowed above the ground floor. Residential is permitted as a primary use on sites listed in the Housing Element Zoning Overlay	C-N	CNM	1.0; 22 units per net acre** <u>30-60 units per net acre***</u>
Community Service and Office	This land use category is intended for low-intensity office, administrative, retail, and personal service uses.	C-O	CS	1.0
Community Commercial	This designation is intended to provide a wide range of commercial goods and services to meet community needs generally in an auto-oriented setting. Typical uses include community-serving retail and commercial services, comparison retail, and office uses. Residential is permitted as a primary use on sites listed in the Housing Element Zoning Overlay	C-1; C-2; C-N; C-O	CC	1.5 <u>30-60 units per net acre***</u>
General Commercial	This designation is intended for retail and service uses that meet the local, sub-regional, and regional demand. These uses are best located where there is the highest level of automobile access.	C-2	CG	1.0

Central Business District Land Uses (Figure 4-7)

Table 4.2-1C: Commercial and Central Business District Land Use Classifications

Land Use Category	Description	Corresponding Existing Zoning Districts	Proposed Zoning	Maximum Intensity (FAR*) and Density (units per acre)
Low-Intensity Retail	This designation allows land-extensive, auto-oriented uses near the freeway. Typical uses include retail, service, wholesale commercial, and industrial uses with some limited office uses.	CBD Sub-area 1	CBD-1	1.5
Heritage Retail	This designation supports existing pedestrian-oriented retail with continuous frontages. Ground floor retail, commercial services, or medical or dental offices are required. Live-work uses may be allowed behind or above the historic retail frontage on Castro Valley Boulevard or fronting San Carlos Avenue.	Portion of CBD Sub-Area 3	CBD-2	1.0
Downtown Community Commercial	This designation is intended to provide a wide range of commercial goods and services to meet community needs generally in an auto-oriented setting. Typical uses include retail and commercial services, comparison retail, and office uses. Residential is permitted as a primary use on sites listed in the <u>Housing Element Zoning Overlay</u>	Portions of CBD Sub-areas 2, 5, 7, 10	CC or CBD-3	2.0 <u>40-86 units per acre***</u>
Downtown General Commercial	This designation is intended for service-oriented commercial and office uses. Due to the location near the Medical Center and the existing character, offices uses, in particular medical and dental offices are encouraged. Live-work units may be allowed if determined to be appropriate with adjacent uses but not other types of residential uses.	Portion of CBD Sub-Area 3	CBD-4	2.0

Table 4.2-1C: Commercial and Central Business District Land Use Classifications

Land Use Category	Description	Corresponding Existing Zoning Districts	Proposed Zoning	Maximum Intensity (FAR*) and Density (units per acre)
Core Pedestrian Retail	This designation is intended for the intensive pedestrian-oriented retail and service uses that form the heart of the Castro Valley community. Ground floor offices uses will be limited. A public park and parking will be integrated into the Village District. Multi-family residential uses and administrative office uses are allowed above the ground floor or behind retail frontage. <u>Residential is permitted as a primary use on sites listed in the Housing Element Zoning Overlay</u>	Portion of CBD Sub-area 7	CBD-5	2.0; 30-60 units per net acre**; <u>40-86 units per acre***</u>
Entertainment-Theater	This designation is intended to support the regional theater with additional entertainment uses and complementary retail and restaurant uses. The district should be a pedestrian-oriented destination that is well served with parking.	Portion of CBD Sub-area 5	CBD-CE-1	2.0
Regional Retail and Entertainment	This designation is intended to provide for and protect the existing commercial recreation and entertainment uses. Complementary retail, hospitality, and office uses are allowed. <u>Residential is permitted as a primary use on sites listed in the Housing Element Zoning Overlay</u>	Portion of CBD Sub-area 2	CBD-CE-2	2.0 <u>40-86 units per acre***</u>

Table 4.2-1C: Commercial and Central Business District Land Use Classifications

Land Use Category	Description	Corresponding Existing Zoning Districts	Proposed Zoning	Maximum Intensity (FAR*) and Density (units per acre)
Professional-Medical Office	This designation provides for and protects the concentration of medical and professional office uses surrounding Sutter Medical Center Castro Valley. Complementary health-related professional and technical services, nursing homes, retail, and personal services such as fitness centers, day care, and restaurants, parking structures are encouraged.	CBD Sub-area 4	CBD-PM	2.0
Redwood Road Office Commercial	This designation supports high-intensity office development to provide employment opportunities between the Castro Valley BART station and downtown. Complementary retail, personal services such as day care and restaurants, parking structures, and other public facilities are encouraged. High density mixed use and residential uses are allowed west of Redwood Road, adjacent to the Transit Village.	CBD Sub-area 9	TOD-O	2.0
BART Transit Village	This designation is unique to the area adjacent to the Castro Valley BART station which will provide for high-intensity mixed use with residential, office, retail, and parking structures. Pedestrian access to and from the BART station and across Norbridge Avenue is a priority. The maximum residential density is 60-86 units per net acre. Residential is permitted as a primary use on sites listed in the Housing Element Zoning Overlay.	CBD Sub-area 8	TOD-R Castro Valley Transit Area (CTA)	2.0; <u>3.0</u> 3075- 6086 units per net acre**/** * -

Table 4.2-1C: Commercial and Central Business District Land Use Classifications

Land Use Category	Description	Corresponding Existing Zoning Districts	Proposed Zoning	Maximum Intensity (FAR*) and Density (units per acre)
Downtown Civic and Community Center	This designation is intended for public facilities including the Castro Valley Library and Alameda County offices.	Portion of CBD Sub-area 10	PF	2.0

* FAR = Floor Area Ratio. Floor Area Ratio is equal to the total square feet of floor area divided by the total square feet of lot area. Floor area excludes areas devoted to parking.

** On sites with mixed-use development, commercial density (FAR) and residential density (units per acre) are allowed to be combined, provided that buildings meet all other development standards.

*** On sites listed in the Housing Element Overlay, residential is allowed as a primary use per the described density.

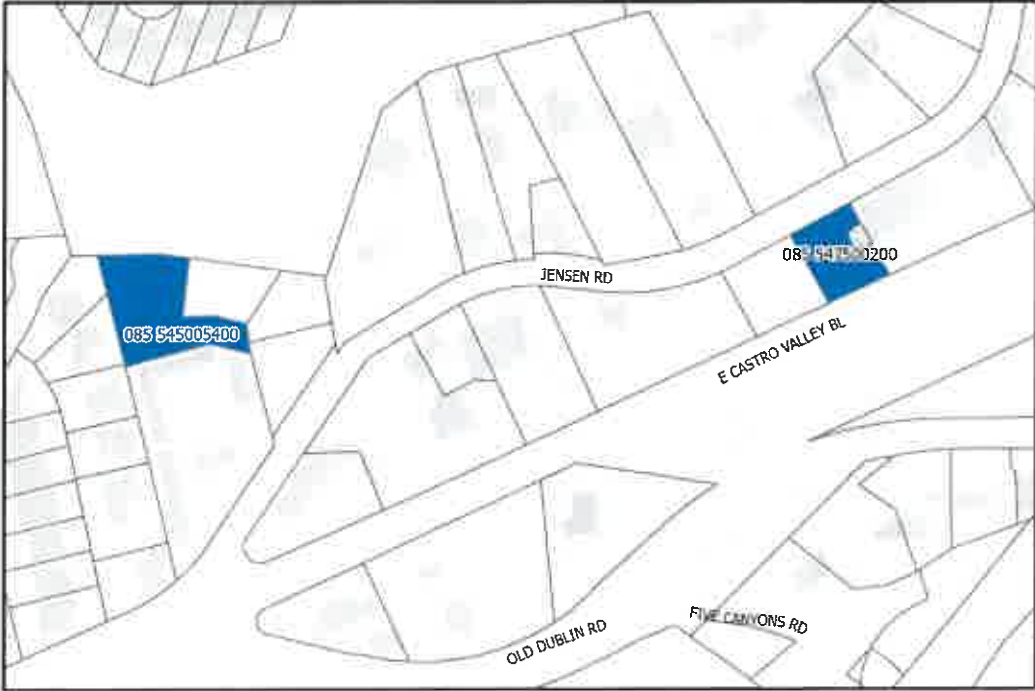
Source: Kahn/Mortimer/Associates and Dyett & Bhatia, 2010; Castro Valley Central Business District Specific Plan, 1993; Castro Valley Redevelopment Strategic Plan, 2006.

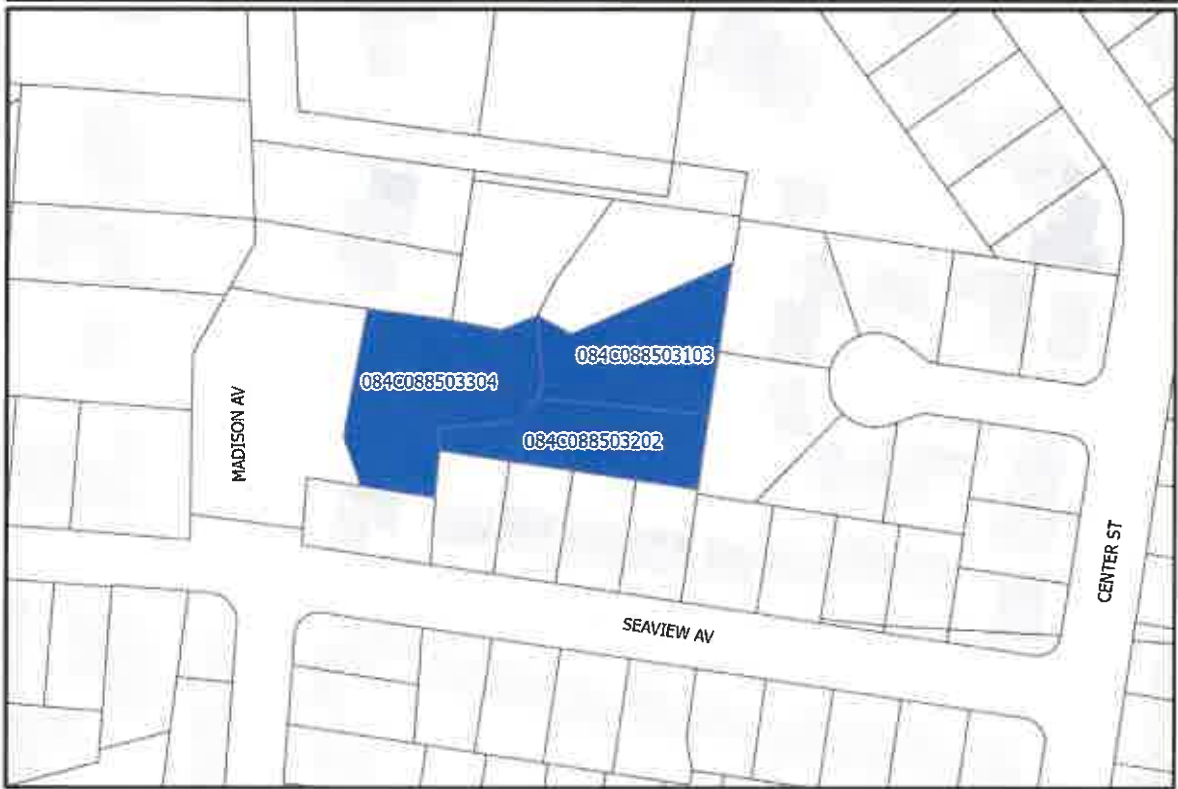
Section VI
Castro Valley General Plan Map Amendments

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby adopt the following map amendments to the Castro Valley Area General Plan:

A. Residential Small Lot RSL-17:

APN	From Castro Valley General Plan	To Castro Valley General Plan
80A-209-4	Hillside Residential	Residential Small Lot RSL-17
80A-221-40	Hillside Residential	Residential Small Lot RSL-17
84B-570-123-3	Residential Single Family	Residential Small Lot RSL-17
84C-1064-26	Residential Single Family	Residential Small Lot RSL-17
84C-1064-27	Residential Single Family	Residential Small Lot RSL-17
84C-1064-28	Residential Single Family	Residential Small Lot RSL-17
84C-885-31-3	Rural Residential	Residential Small Lot RSL-17
84C-885-32-2	Rural Residential	Residential Small Lot RSL-17
84C-885-33-4	Rural Residential	Residential Small Lot RSL-17
84C-885-34-2	Rural Residential	Residential Small Lot RSL-17
85-1613-1	Hillside Residential	Residential Small Lot RSL-17
85-5450-54	Residential Single Family	Residential Small Lot RSL-17
85-5475-2	Rural Residential	Residential Small Lot RSL-17





B. Residential 60:

APN	From Castro Valley General Plan	To Castro Valley General Plan
415-160-14	Residential Low Density Multi-Family	Residential 60
415-160-15	Residential Low Density Multi-Family	Residential 60
415-160-16	Residential Low Density Multi-Family	Residential 60
415-160-18	Residential Low Density Multi-Family	Residential 60
415-160-53	Residential Low Density Multi-Family	Residential 60
84B-550-1-1	Residential Single Family	Residential 60
84B-553-1-4	Residential Single Family	Residential 60
84B-553-14-3	Residential Single Family	Residential 60
84B-553-16	Residential Single Family	Residential 60
84B-553-1-6	Residential Single Family	Residential 60





C. Residential – Low Density Multifamily:

APN	From Castro Valley General Plan	To Castro Valley General Plan
416-40-44	Schools	Residential - Low Density Multifamily



Section VII
Eden Area General Plan Text Amendments

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby adopt the following text amendments to the Eden Area General Plan, using strikeouts for deletions, and underline for new text:

A. [Page 3-29] 8. School (S) This designation identifies publicly owned or operated educational facilities of all sizes serving all age groups in the Eden Area. The designation also includes sites that are owned or used by the school districts for school-related purposes such as maintenance or corporation yards as well as parcels which are leased to private entities. Sites designated as 'School' may also be developed as residential uses at a density comparable to surrounding uses if the school district which owns them determines that they are no longer needed for educational purposes. Housing Element sites may be of a higher density than surrounding land uses.

B. [Page 3-29] 9. Bay Fair Transit Area (BTA). This designation is a Priority Site for implementation of the 2023-2031 Housing Element and is being reclassified for compliance with AB 2923 [California Public Utilities Code sections 29010.1-29010.12 (2018)]. A significant project is contemplated at this site in conjunction with BART, and in coordination with the City of San Leandro, including the redevelopment/reuse of the City's site at the Bayfair Mall. The County portion of the BTA site is zoned up to 125 units per acre and allows commercial uses as a secondary use at an FAR of 1.0. The site is envisioned to be primarily a new residential neighborhood with ancillary BART-related and small-scale commercial uses.

C. TABLE 3-2 - is amended as follows:

Land Use Designation	Number of Acres	Allowed Density/ Intensity^{a,b}
Low Density Residential (LDR)	1,136.1	0-9 DU/AC
Low-Medium Density Residential (LMDR)	371.9	7-12 DU/AC
Medium Density Residential (MDR)	683.4	10-22 DU/AC
Medium-High Density Residential (MHDR)	15.5	22-43 DU/AC
High Density Residential (HDR)	9.4	43-86 DU/AC
Medium Density Residential and General Commercial as a Secondary Use (MDR/GC)	8.3	10-22 DU/AC 1.0 FAR
Medium-High Density Residential and General Commercial as a Secondary Use (MHDR/GC)	7.4	22-43 DU/AC 1.0 FAR
High Density Residential and General Commercial as a Secondary Use (HDR/GC)	7.5	43-86 DU/AC 1.0 FAR
General Commercial (GC)	46.0	1.0 FAR

General Commercial and Low-Medium Density Residential as a Secondary Use (CG/LMDR)	6.4	1.0 FAR 7-12 DU/AC
General Commercial and Medium Density Residential as a Secondary Use (GC/MDR)	59.6	1.0 FAR 10-22 DU/AC
General Commercial and Medium-High Density Residential as a Secondary Use (GC/MHDR)	71.5	1.0 FAR 22-43 DU/AC
General Commercial and High Density Residential as a Secondary Use (GC/HDR)	38.8	1.0 FAR 43-86 DU/AC
Bay Fair Transit Area High Density Residential and General Commercial as a secondary use (BTA-HDR/GC)	7.1	125 DU/AC 1.0 FAR
Light Industrial (I)	116.8 ^c	0.5 FAR
Research and Development/Office (R&D/O)	116.8 ^c	1.0 FAR
San Lorenzo Specific Plan Area (SLSPA)	28.7	19.5 DU/AC (average for the District) 230,000 square feet of C&P
Public (Pub)	207.5	1.5 FAR
Park (P)	77.6	N/A
School (S)	210.9	N/A-10-22 DU/AC
Total Acres	3,094.7	

^a DU/AC stands for dwelling units per acre.

^b FAR stands for Floor Area Ratio.

^c The acreage for both Industrial and Research and Development/Office covers the same parcels as these two designations are used simultaneously in this General Plan. Thus, this acreage is only counted once in the Total Acreage for the Eden Area.

Source: Design, Community & Environment.

Section VIII **Eden Area General Plan Map Amendments**

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby adopt the following map amendments to the Eden Area General Plan:

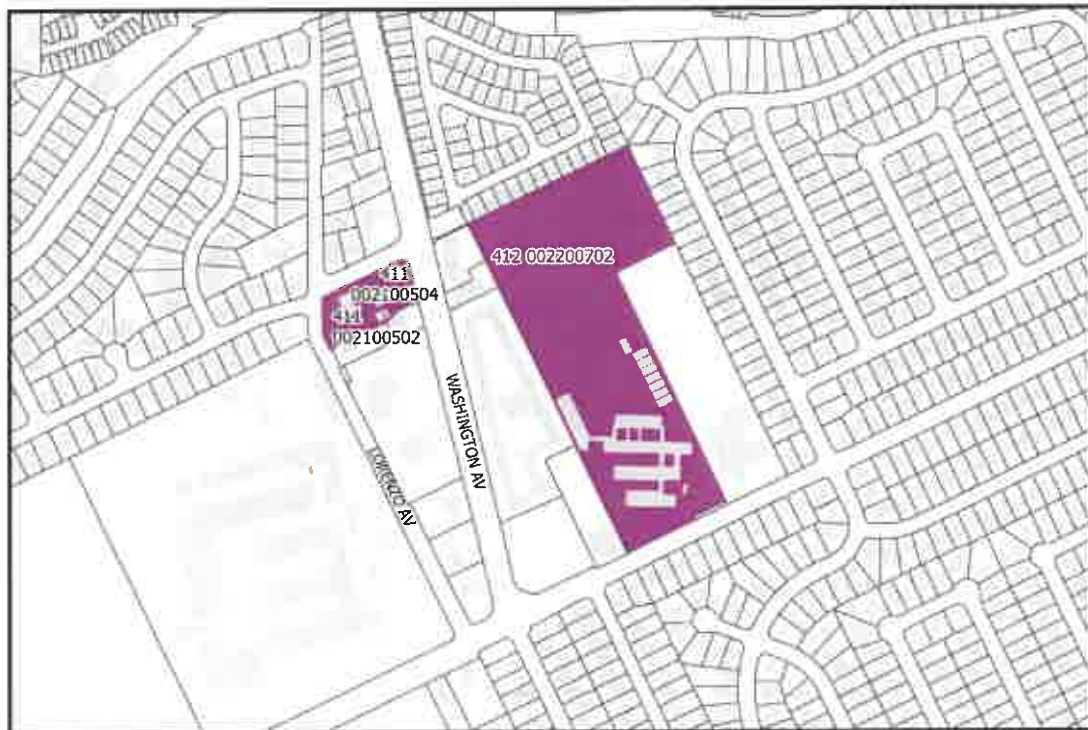
A. FIGURE 3-4A GENERAL PLAN LAND USE DESIGNATIONS is amended to **change** the following parcels

APN	From Eden Area General Plan	To Eden Area General Plan
411-91-2	General Commercial	Medium High Density Residential
413-23-43-3	Medium Density Residential	Medium High Density Residential
413-23-43-4	Medium Density Residential	Medium High Density Residential
413-23-67-4	Medium Density Residential	Medium High Density Residential

432-4-30-2	Medium Density Residential	Medium High Density Residential
80D-566-36-1	Low Density Residential	Medium High Density Residential
412-22-7-2	School	Medium Density Residential, School
411-21-5-2	Medium Density Residential	High Density Residential
411-21-5-4	General Commercial	High Density Residential
413-15-33-2	Public	High Density Residential
415-160-51	Medium High Density Residential	High Density Residential
432-4-34-2	Medium Density Residential	High Density Residential
412-87-78	Medium Density Residential	High Density Residential
80D-563-17	High Density Residential	Bay Fair Transit Area
80D-565-29	High Density Residential	Bay Fair Transit Area
80D-565-30	High Density Residential	Bay Fair Transit Area
80D-568-30	High Density Residential	Bay Fair Transit Area
80D-568-31	High Density Residential	Bay Fair Transit Area







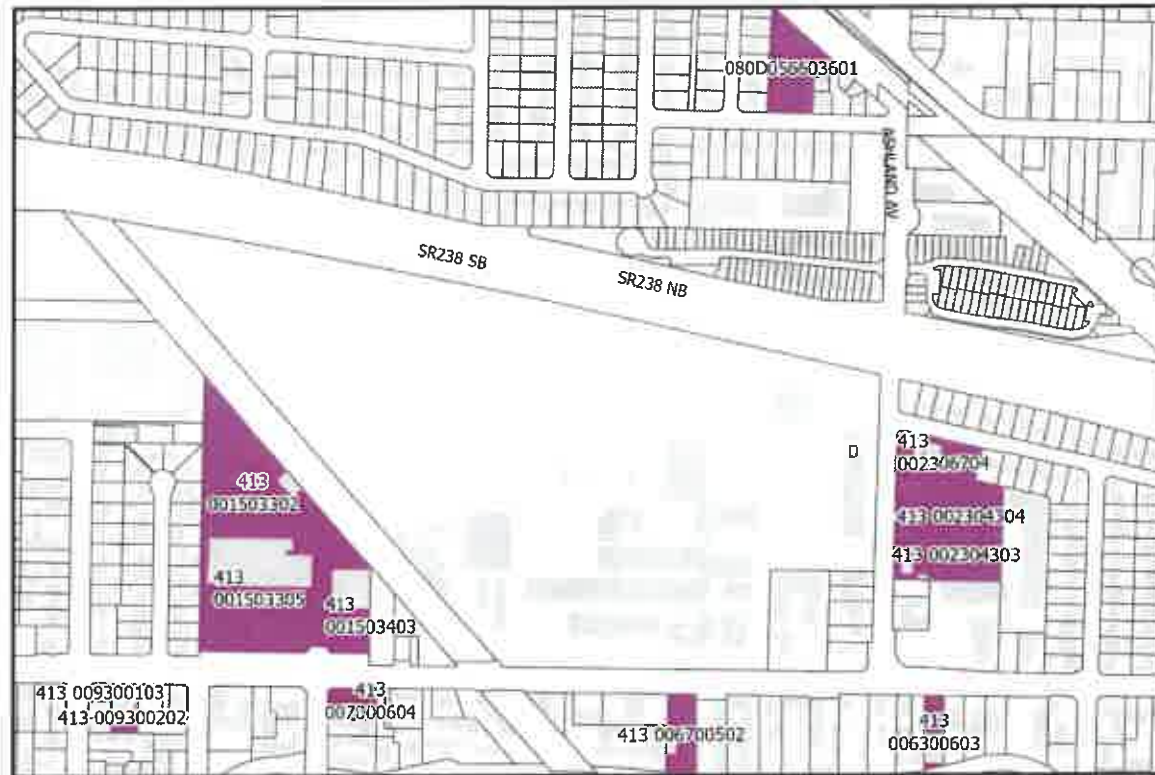
B. FIGURE 3-4B GENERAL PLAN LAND USE RESIDENTIAL OVERLAYS is amended to **add** the following parcels into the category of **Medium-High Density Residential**:

APN
413-63-6-3
413-67-5-2
413-70-6-4
413-93-1-3
413-93-2-2
429-10-59-2

C. FIGURE 3-4B GENERAL PLAN LAND USE RESIDENTIAL OVERLAYS is amended to **add** the following parcels into the category of **High Density Residential**.

APN
413-15-33-5
413-15-34-3



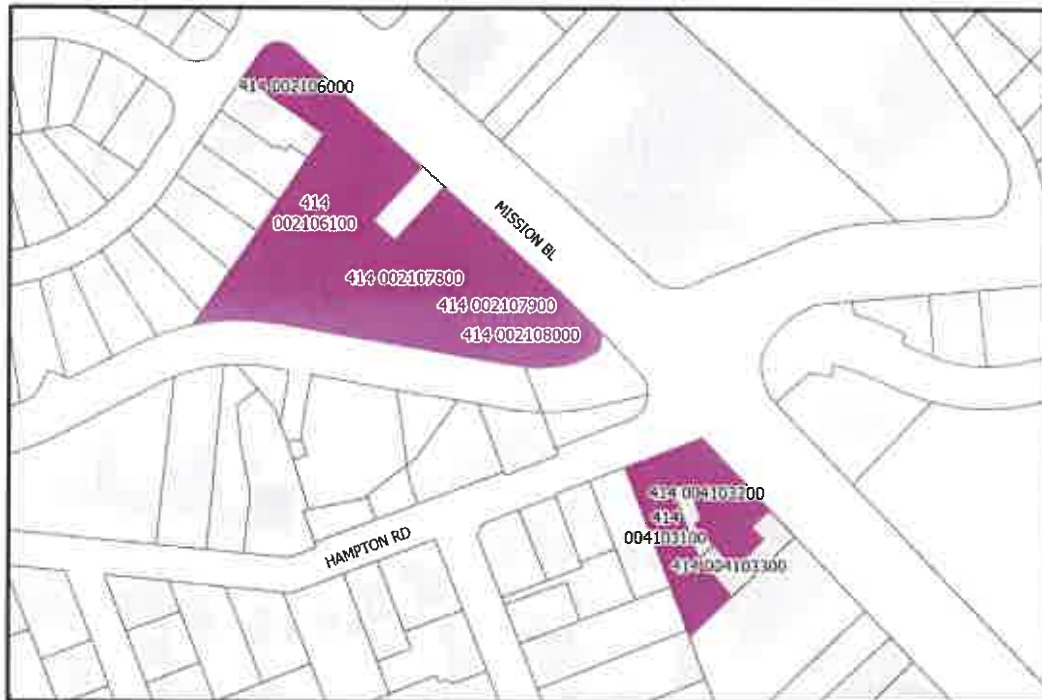


D. FIGURE 3-4B GENERAL PLAN LAND USE RESIDENTIAL OVERLAYS is amended to **add** the following parcel into the category of **Medium Density Residential**.

APN
432-4-28-6

E. FIGURE 3-4B GENERAL PLAN LAND USE RESIDENTIAL OVERLAYS is amended to **change** the following parcels from **Medium-High Density Residential** into the category of **High Density Residential**:

APN
414-41-31
414-41-32
414-41-33
80B-300-11
414-21-61
414-21-78
414-21-79
414-21-60
414-21-80



Section IX
Fairview Area Specific Plan Text Amendments

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby adopt the following text amendments to the Fairview Area Specific Plan, using strikeouts for deletions, and underline for new text:

- A. [Page 3-12] Add a new definition “Small Lot Residential” This designation is applied to

sites to implement the 2023-2031 Housing Element and can include a variety of attached housing types including but not limited to apartments, townhomes, and flats. Many of the parcels with this designation are vacant land zoned for residential use at density ranging from 9 to 17 units per acre. Lot sizes can range but should not be smaller than 1,200 square feet. Projects 10 units and less built on vacant land can benefit from a streamlined ministerial approval process and are encouraged (see SB1123).

B. Add a new definition:

“Medium High Density Residential” This designation is applied to sites to implement the 2023-2031 Housing Element and can include a variety of attached housing types including but not limited to apartments, townhomes, and flats and small/tiny homes. The density range is 22 to 29 units per acre. The Residential use is the primary use, and community serving uses are secondary, and can be allowed but are not required. As these are higher residential density sites, neighborhood and community serving uses such as community facilities, commercial uses (such as grocery stores, banks, restaurants, and other small businesses) and institutional uses are permitted as a secondary use with a maximum Floor Area Ratio of 1.0.

~~C. (f) Commercial. This category corresponds to areas that are appropriate for neighborhood-serving and general commercial uses such as grocery stores, banks, restaurants, and other small businesses. The maximum allowable floor area ratio on these properties is 1.0. Residential uses are discouraged on these properties in order to maintain opportunities for businesses serving Fairview residents. Only two parcels in Fairview have this designation, and their continued use with activities serving the local community is encouraged. Parcels with this designation have Commercial zoning.~~

Section X
Fairview Area Specific Plan Map Amendments

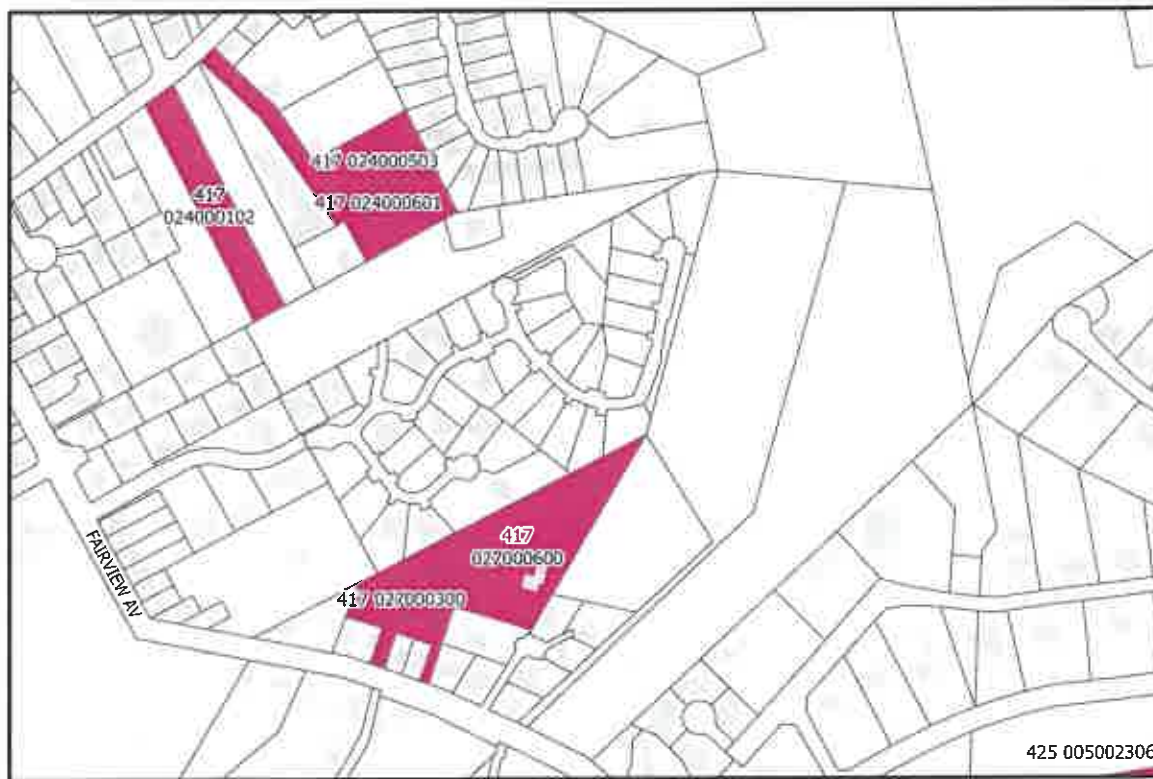
NOW, THEREFORE, BE IT RESOLVED that the Board does hereby adopt the following map amendments to the Fairview Area Specific Plan:

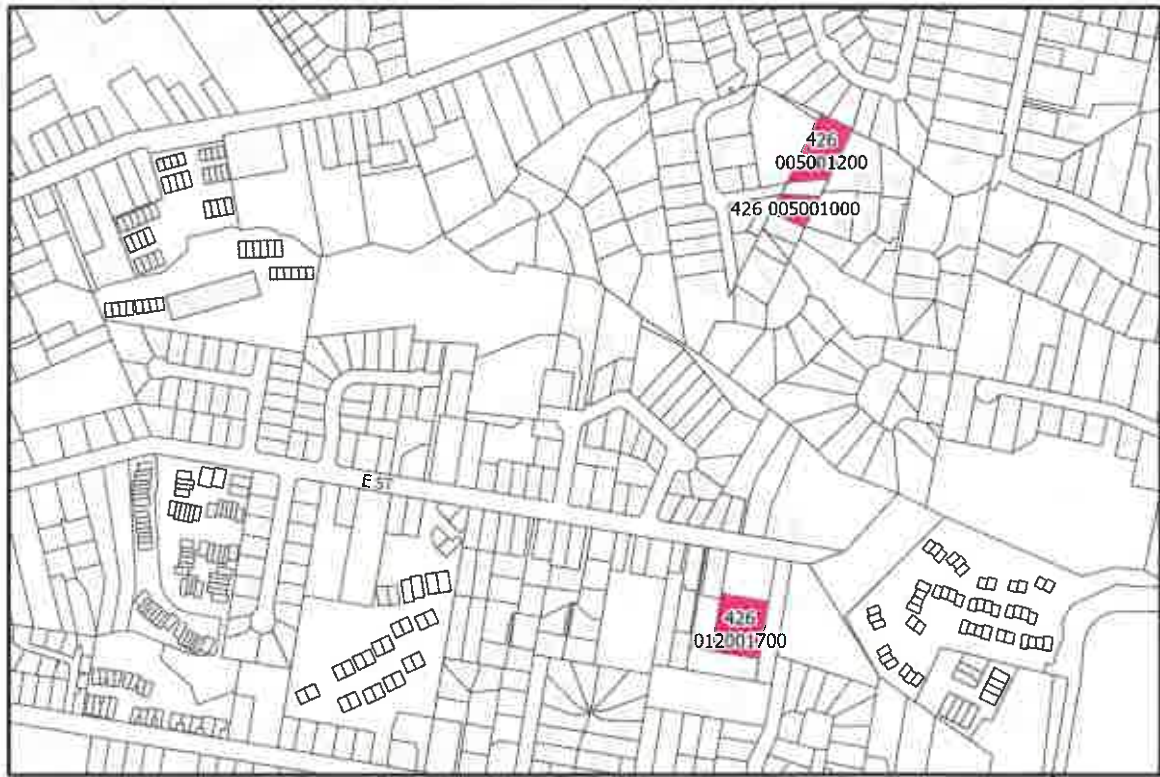
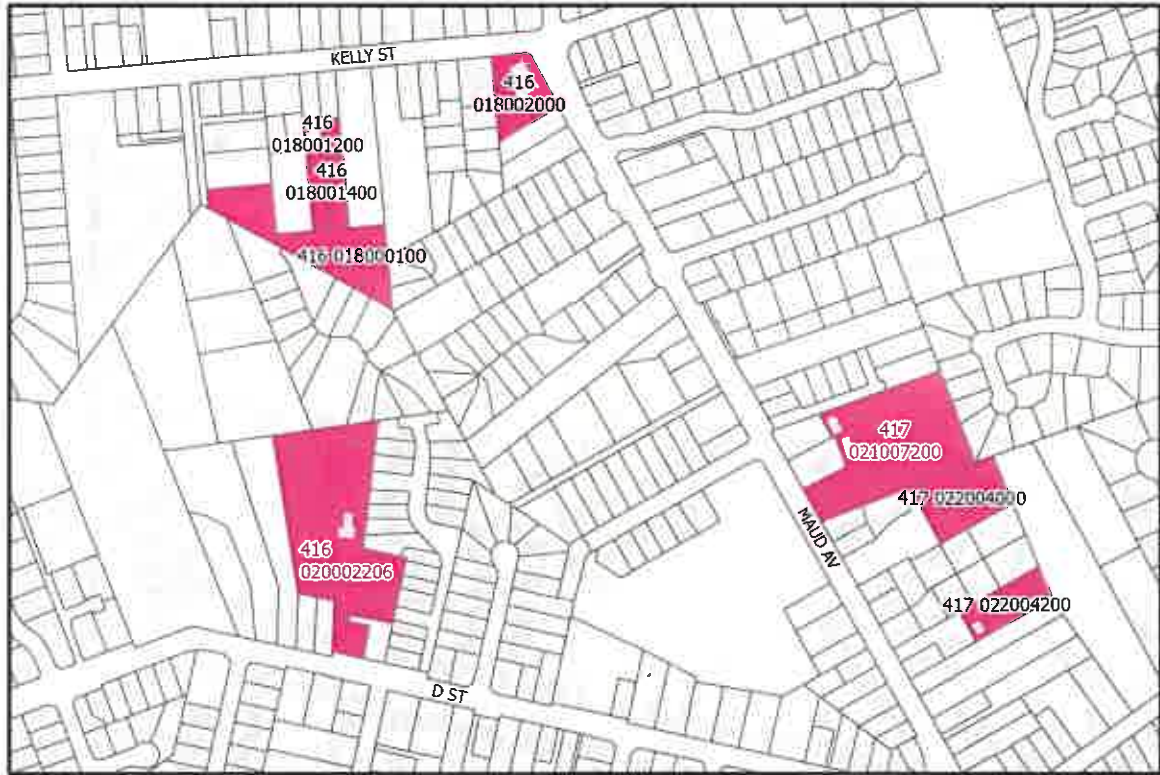
A. FIGURE 3-1 LAND USE MAP DESIGNATIONS is amended to **change** the following parcels:

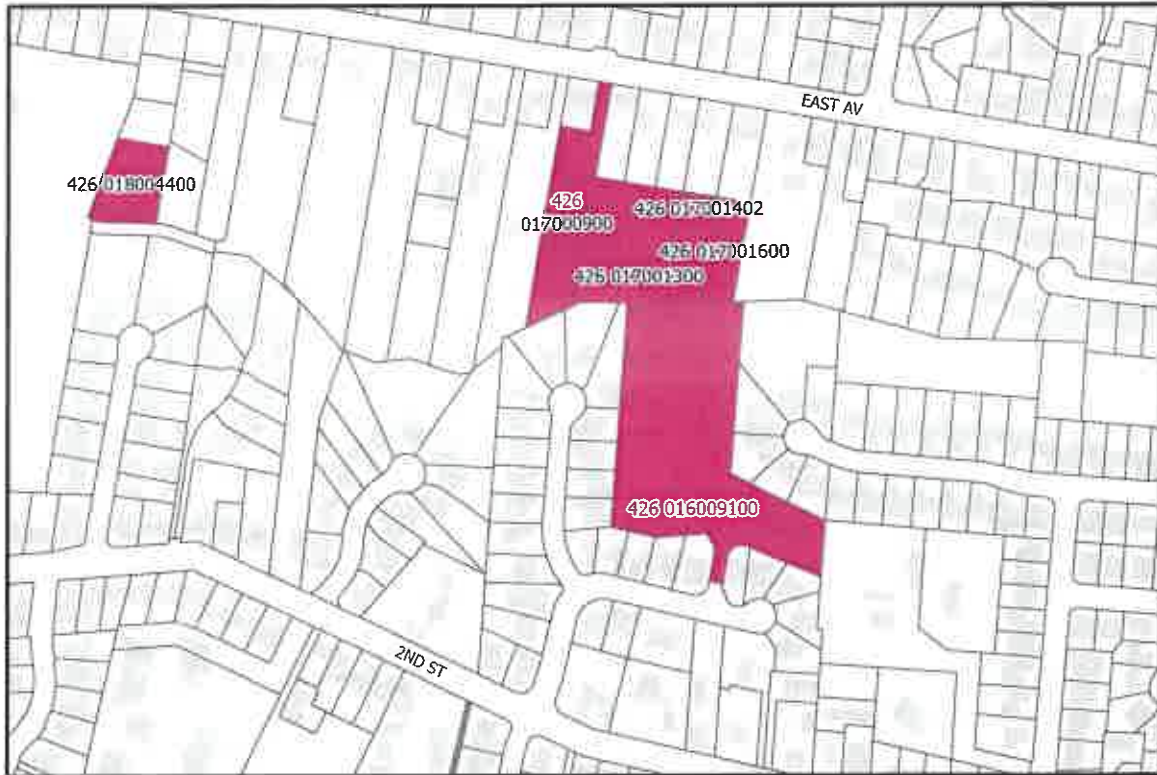
APN	From Fairview Land Use Map	To Fairview Land Use Map
416-180-1	Low Density Residential	Small Lot Residential
416-180-12	Low Density Residential	Small Lot Residential
416-180-14	Low Density Residential	Small Lot Residential
417-210-72	Very Low Density Residential	Small Lot Residential
417-220-40	Very Low Density Residential	Small Lot Residential
417-220-42	Very Low Density Residential	Small Lot Residential
417-240-1-2	Very Low Density Residential	Small Lot Residential
417-240-5-3	Very Low Density Residential	Small Lot Residential
417-240-6-1	Very Low Density Residential	Small Lot Residential
417-270-3	Very Low Density Residential	Small Lot Residential

417-270-6	Very Low Density Residential	Small Lot Residential
425-10-6	Very Low Density Residential	Small Lot Residential
425-50-22-1	Rural Residential	Small Lot Residential
425-50-23-6	Rural Residential	Small Lot Residential
425-50-25-2	Rural Residential	Small Lot Residential
425-90-44	Very Low Density Residential	Small Lot Residential
425-90-45	Very Low Density Residential	Small Lot Residential
426-120-17	Low Density Residential	Small Lot Residential
426-160-91	Low Density Residential	Small Lot Residential
426-170-13	Low Density Residential	Small Lot Residential
426-170-14-2	Low Density Residential	Small Lot Residential
426-170-16	Low Density Residential	Small Lot Residential
426-170-9	Low Density Residential	Small Lot Residential
426-180-44	Low Density Residential	Small Lot Residential
426-50-10	Very Low Density Residential	Small Lot Residential
426-50-12	Very Low Density Residential	Small Lot Residential
416-200-22-6	Low Density Residential	Small Lot Residential
416-180-20	Low Density Residential	Medium High Density Residential









Section XI
Ashland Cherryland Business District Specific Plan Text

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby adopt the following **text** amendments to the **Ashland Cherryland Business District (ACBD) Specific Plan**, using ~~strikeouts~~ for deletions, and underline for new text:

A. 6.1.2 Applicability of Standards [add section 7].

7. Housing Element Zoning Overlay

This overlay is intended to implement the 2023-2031 6th Cycle Housing Element. Parcels within the overlay are allowed Residential uses as the primary use. Commercial uses are permitted as provided for in the plan but are not required.

B. Table 6.2.1 is amended to read as follows:

TABLE 6.2.1 ZONES	
Zone	Description
District Mixed Use [DMU]	General applicability. Ashland and Cherryland Districts. Intent. To provide a vibrant, walkable urban main street mixed-use commercial environment that supports public transportation alternatives and provides locally- and regionally-serving commercial, retail, and entertainment uses, as well as a variety of urban housing choices. <u>In the Housing Element Zoning Overlay Residential uses are permitted as a primary use at the densities permitted by Table 6.2.2</u>

District Commercial [DC]	<p>General applicability. Four Corners District.</p> <p>Intent. To provide a vibrant, walkable urban main street commercial environment that serves as the focal point for the surrounding neighborhoods and provides locally- and regionally-serving commercial ,retail, and entertainment uses. <u>In the Housing Element Zoning Overlay Residential uses are permitted as a primary use at the densities permitted by Table 6.2.2</u></p>
Bayfair Corridor [BC]	<p>General applicability. Bayfair Corridor</p> <p>Intent. To provide a vibrant mixed-use environment adjacent to public transit that strengthens present and future commercial opportunities, serves daily needs of surrounding neighborhood residents, and accommodates growth and infill.</p>
Corridor Mixed-Use - Residential [CMU-R]	<p>General applicability. Cherryland Corridor</p> <p>Intent. To provide an urban form that can accommodate a very diverse range of uses, including mixed-use and commercial services, to encourage revitalization and investment. Commercial allowed as a secondary use.</p>
Corridor Mixed-Use - Commercial [CMU-C]	<p>General applicability. West Eden and Cherryland Corridors</p> <p>Intent. To support neighborhood-serving commercial uses on small and medium- sized lots in various structures, including house form building types. Residential allowed as a secondary use, <u>except in the Housing Element Zoning Overlay in which case Residential uses are also permitted as a primary use.</u></p>
Corridor Neighborhood - Commercial [CN-C]	<p>General applicability. West Eden Corridor</p> <p>Intent. To support neighborhood-serving commercial uses on small and medium- sized lots in various structures, including house form building types. Residential allowed as a secondary use.</p>
Corridor Neighborhood [CN]	<p>General applicability. Central Lewelling Corridor</p> <p>Intent. To accommodate a variety of uses appropriate in a neighborhood setting such as medium density housing choices and a limited amount of retail, commercial, and office uses as allowed in the Eden Area General Plan. <u>In the Housing Element Zoning Overlay Residential uses are permitted as a primary use at the densities permitted by Table 6.2.2</u></p>
Residential [R]	<p>General applicability. Four Corners and Central Lewelling Neighborhoods</p> <p>Intent. To preserve existing and allow new small-to-medium lot detached homes and reinforce their role within a walkable neighborhood.</p>
Public [P]	<p>General applicability. San Lorenzo High School, San Lorenzo Cemetery</p> <p>Intent. To allow for public serving uses such as schools.</p>
Open Space [OS]	<p>General applicability. Meek Estate Park</p> <p>Intent. To preserve land for parks and open space for active or passive recreational use.</p>

Auto Overlay [A-O]	<p>General applicability. Cherryland Corridor Intent. To establish an area where auto related businesses are allowed by right in order to implement policies and programs in the Ashland and Cherryland Business District Specific Plan. The zone will accommodate a variety of uses and jobs to reduce displacement and concentrate auto uses.</p>
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C. Table 6.2.2 is amended to read as follows:

TABLE 6.2.2 ALLOWED LAND USES (1)											
Land Use Type	Specific Use Standards	ZONING									
		DM U	DC	BC	CMU-C	CMU-R (2)	CN-C	CN (3)	R	P	OS
<p>Key: P = Allowed by Right MUP = Minor Use Permit Required - = Use Not Allowed CUP = Conditional Use Permit Required TUP = Temporary Use Permit Required</p>											
Entertainment and Recreation											
Adult entertainment activity		-	-	-	-	-	-	-	-	-	-
Health/Fitness facility <5,000 sf		MU P	MUP	MUP	MUP	-	-	-	-	-	-
Health/Fitness facility >5,000 sf		CUP	CUP	CUP	CUP	-	-	-	-	-	-
Indoor/Outdoor Recreation		CUP	CUP	-	CUP	-	-	-	-	-	MU P
Park, playground (4)		P	P	P	P	P	P	P	P	P	P
Studio: art, dance, martial arts, music, etc.		P	P	P	P	P (2)	P	P (3)	-	-	-
Theater, cinema, or performing arts		P	P	P	P	P (2)	-	-	-	-	-
Office, Civic, and Public Assembly											
Government		P	P	P	P	P	P	P (3)	P	P	-
Library, museum, or art gallery		P	P	P	P	P (2)	-	-	-	-	MU P
Office, general		P	P	P	P	-	P	P (3)	-	-	-
Meeting facility, public or private		P	P	P	P	-	-	-	CUP	-	MU P
School, public or private		MU P	MUP	MUP	P	-	-	-	CUP	P	-
Restaurant and Food											
Drive-through Restaurant	Section 6.2.5.2	-	-	-	MUP	-	-	-	-	-	-
Micro-Brewery	Section 6.2.5.1	CUP	CUP	CUP	CUP	-	-	-	-	-	-
Pub/Bar/Tavern	Section 6.2.5.1	CUP	CUP	CUP	CUP	-	-	-	-	-	-
Restaurant, café, coffee shop (May include alcohol sales)		P	P	P	P	P (2)	P	MU P (3)	-	-	-

TABLE 6.2.2 ALLOWED LAND USES (1)

Land Use Type	Specific Use Standards	Zone									
		DM U	DC	BC	CMU-C	CMU-R (2)	CN-C	CN (3)	R	P	OS
<p>Key: P = Allowed by Right MUP = Minor Use Permit Required - = Use Not Allowed</p> <p style="text-align: right;">CUP = Conditional Use Permit Required TUP = Temporary Use Permit Required</p>											
w/ Outside dining	Section 6.2.5.6	P	P	P	P	MUP (2)	-	MUP (3)	-	-	-
Retail											
Alcohol Outlet	Section 6.2.5.1	CUP	CUP	CUP	CUP	-	-	-	-	-	-
Tobacco Outlet		CUP	CUP	CUP	CUP	-	-	-	-	-	-
General Retail < 10,000 sq. ft.		P	P	P	P	P (2)	P	P (3)	-	-	-
General Retail > 10,001 sq. ft.		P	P	P	MUP	-	-	-	-	-	-
General Retail w/ onsite production		P	P	P	P	-	P	P (3)	-	-	-
Second hand/thrift stores		P	P	P	P	P (2)	P	P (3)	-	-	-
Services											
Bail bonds/check cashing		-	-	-	P	-	CUP	CUP (3)	-	-	-
Business service		P	P	P	P	P (2)	P	P (3)	-	-	-
w/ drive through service	Section 6.2.5.2	MUP	MUP	MUP	MUP	MUP (2)	-	MUP (3)	-	-	-
Care facility for the Elderly <7		P	P	P	P	P	P	P	P	-	-
Care facility for the Elderly >7		CUP	CUP	CUP	CUP	CUP (2)	CUP	CUP (3)	CUP	-	-
Commercial services		MUP	MUP	P	P	P (2)	P	P (3)	-	-	-
Day Care small < 9 (6)		P	P	P	P	P	P	P	P	-	-
Day Care large 9-14 (6)		P	P	P	P	P (2)	P	P (3)	-	-	-
Day Care center >14		CUP	CUP	CUP	MUP	MUP (2)	MUP	MUP (3)	CUP	-	-
Emergency Shelter	ACGOC 17.52.116 0-	CUP	CUP	CUP	CUP	-	CUP	CUP (3)	-	-	-

	1165											
Funeral Home/ Mortuary (5)		P	P	P	P	P	CUP	CUP	-	-	-	
Hotel/Motel		P	P	P	P	-	-	-	-	-	-	
Laundromat/Dry Cleaning		P	P	P	P	P (2)	-	P (3)	-	-	-	

TABLE 6.2.2 ALLOWED LAND USES (1)												
Land Use Type	Specific Use Standards	Zoning										
		DM U	DC	BC	GMJ- C	CMU- R (2)	GN-C	GN (3)	R	P	OS	
<p>Key: P = Allowed by Right MUP = Minor Use Permit Required - = Use Not Allowed CUP = Conditional Use Permit Required TUP = Temporary Use Permit Required</p>												
Medical or residential care facility <7	ACGOC 17.54.133	P	P	P	P	P (2)	P	P	P	-	-	
Medical or residential care facility >7		CUP	CUP	CUP	CUP	-	CUP	CUP P (3)	CUP	-	-	
Medical Services		P	P	P	P	-	P	P (3)	-	-	-	
Personal services		P	P	P	P	P (2)	P	P (3)	-	-	-	
Personal services-restricted		CUP	CUP	CUP	MUP	-	-	-	-	-	-	
Repair, commercial (non-vehicular)		-	-	-	P	-	-	-	-	-	-	
Storage Garage		-	-	-	-	-	-	-	-	-	-	
Transitional and Supportive Housing	ACGOC 17.54.133	P	P	P	P	P	P	P	P	-	-	
Residential												
Accessory Building		P	-	P	P	P	P	P	P	-	-	
Dwelling: Multi-Family		P (7)	P (7)	P (7)	P (7)	P	P (7)	P (3)	P	-	-	
Dwelling: Single Family		-	-	-	P (7)	P	P (7)	P (3)	P	-	-	
Home Occupation, no clients		P	P	P	P	P	P (7)	P (3)	P	-	-	
Home Occupation, with clients	Section 6.2.5.3	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP			
Live/work unit		P (7)	-	P (7)	P (7)	P	P	P	-	-	-	

Mixed-Use	Section 6.2.5.4	P (7) (8)	P (7)	P (7) (9)	P (7) (9)	P (2) (10)	P (7) (9)	-	-	-	-
Single Room Occupancy	ACGOC 17.54.134	P (7)	P (7)	P (7)	P (7)	P	-	-	-	-	-
Automobile Related											
Car Wash		-	-	CUP	CUP (11)	CUP (11)	CUP	(11)	-	-	-
Commercial vehicle sales, rental, storage		-	-	-	-	-	-	-	-	-	-
Gas Station		-	-	CUP	CUP (11)	CUP (11)	CUP	(11)	-	-	-
Automobile Sales, Rentals (new/used)		-	-	-	CUP (11)	CUP (11)	CUP	(11)	-	-	-

TABLE 6.2.2 ALLOWED LAND USES (1)

Land Use Type	Specific Use Standards	E-111									
		DM U	DC	BC	CMU-C	CMU-R (2)	CN-C	CN (3)	R	P	OS
Key: P = Allowed by Right MUP = Minor Use Permit Required - = Use Not Allowed CUP = Conditional Use Permit Required TUP = Temporary Use Permit Required											
Repair, commercial (motor vehicles)		-	-	-	CUP (11)	CUP (11)	CUP	(11)	-	-	-
Parking facility		CUP	CUP	CUP	CUP (11)	CUP (11)	CUP	(11)	-	-	-
Towing, Impound Storage Facilities		-	-	-	-	-	-	-	-	-	-
Other											
Temporary Use/ Structure	Section 6.2.5.7	TUP	TUP	TUP	TUP	TUP (2)	TUP	TUP (3)	-	TUP	TUP
Transit Station		P	P	P	P	-	P	-	-	P	-

Notes:

1. For uses not listed in this table, use determination will be made through Planning Commission hearing. See ACGOC 17.54.050 - Uses not listed—Procedure.
2. Commercial only allowed as a secondary use.
3. Commercial allowed on parcels designated General Commercial in the General Plan and Residential uses allowed on parcels designated Residential in the General Plan. In the Housing Element Zoning Overlay Residential uses are permitted as a primary use at the densities permitted by Table 6.2.2
4. CUP required at the following intersections: Ashland Ave/ E. 14th Street, Mattox Rd/Mission Blvd, E. Lewelling Blvd/Mission Blvd key intersections, and Hesperian Blvd/Lewelling Blvd.
5. CUP required if includes an accessory crematorium.
6. Up to eight children allowed in a small day care and up to 14 children allowed in a large day care if (a) At least one child is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age. (b) No more than two infants are cared for during any time when more than six children are cared for. (c) The licensee notifies each parent that the facility is caring for two additional school age children and that there may be up to seven or eight children in the home at one time. (d) The licensee obtains the written consent of the property owner when the family day care home is operated on property that is leased or rented.
7. Residential only allowed as a secondary use. In the Housing Element Zoning Overlay Residential uses are permitted as a primary use at the densities permitted by Table 6.2.2
8. For Commercial/residential mixed use. Vertical mixed use, when residential is located above a ground floor non-residential use, is required. Horizontal mixed-use, when a residential use is located on the ground floor behind a non-residential use facing a major arterial, is allowed only if there is also vertical mixed use on the site.
9. For Commercial/Residential mixed use. Vertical and horizontal mixed use allowed.
10. For Residential/Commercial mixed use. Vertical and horizontal mixed use allowed.
11. Use is allowed by right for property located within the Auto Overlay Zone, see Table 6.2.1 and Figure 6.2.1.

C. Development Standards – Table 6.2.3:

TABLE 6.2.3 DEVELOPMENT STANDARDS														
Development Standards:	ZONING													
	DMU/DC		BC		CMU-C/CMU-R		CN/CN-C		R		P		O/S	
Building Placement	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max
Setbacks (distance from ROW)														
Front	Per Frontage Requirement Section 6.3								(8)	20'	10'	n/a	n/a	n/a
Side Street	n/a	0'	n/a	0'	n/a	n/a	n/a	10'	n/a	20'	15'	n/a	n/a	n/a
Side	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	5'	n/a	5'	n/a	n/a	n/a
Rear	5'	n/a	5'	n/a	5'	n/a	20'	n/a	20'	n/a	n/a	n/a	n/a	n/a
Adjacent to Residential	15'	n/a	15'	n/a	10'	n/a	n/a	n/a	n/a	n/a	15'	n/a	n/a	n/a
Lot Requirements	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max
Lot Coverage (max)	n/a	90%	n/a	90%	n/a	75%	n/a	70%	n/a	60%	n/a	50%	n/a	10%
Floor Area Ratio (FAR)	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max
	0.5 (1)	2.5	n/a	2.5	n/a	1.0	n/a	1.0	n/a	1.0	n/a	1.0	n/a	1.0
Density	Max		Max		Max		Max		Max		Max		Max	
	86 du/ac <u>For parcels in the Housing Element Overlay Zone there is also a minimum density of 43 du/ac</u>		43 du/ac		CMU-R: 12 du/ac CMU-C: 43 du/ac <u>86 du/ac for parcels in the Housing Element Overlay Zone</u>		22 du/ac <u>43 du/ac for parcels in the Housing Element Overlay Zone</u>		R-1 9 du/ac R-2 22 du/ac R-3 22-43 du/ac		n/a		n/a	
Building Form	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max
Height														
Stories	n/a	5 (2)	n/a	4(3)	n/a	3.5 (3)	n/a	2.5	n/a	2.5	n/a	4(3)	n/a	n/a
Feet (4)	25'	75'	n/a	55'	n/a	45'	n/a	35'	n/a	35'	n/a	55'	n/a	n/a

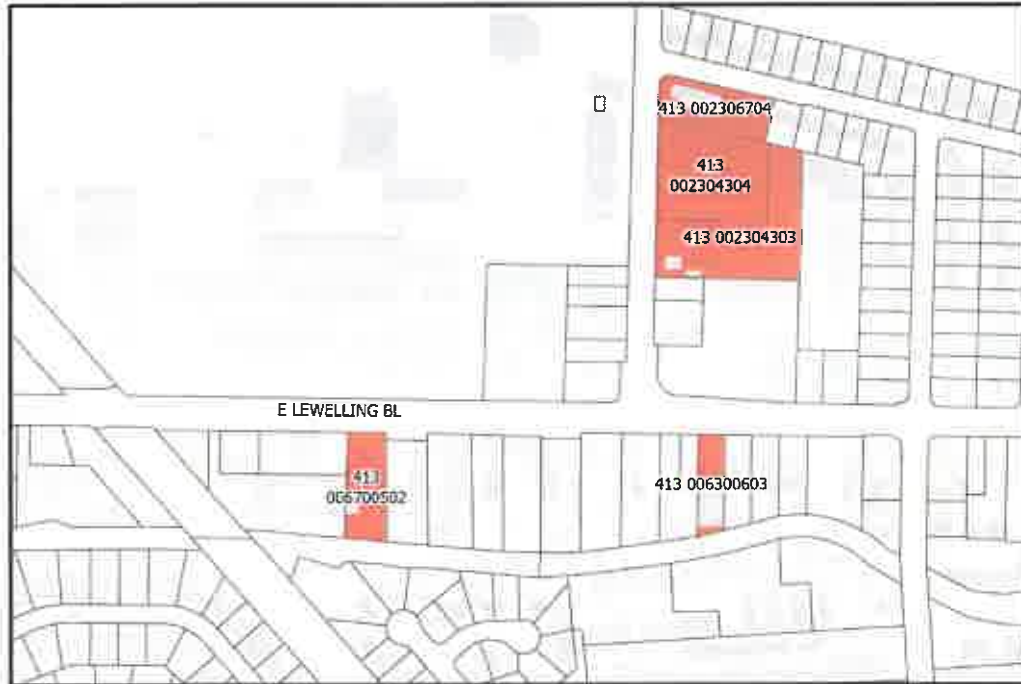
Ground Floor Height	15'	n/a	15'	n/a	12'	n/a	12'	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Upper Floor(s) Height	10'	n/a	10'	n/a	8'	n/a	8'	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Frontage and Encroachments (5)														
Frontage Requirement (6)	70%	n/a	60%	n/a	60%	n/a	50%	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Allowed Frontage Types	see Section 6.3									n/a	n/a	n/a	n/a	n/a
Encroachment into Front setback (7)	n/a	2'	n/a	2'	n/a	2'	n/a	2'	n/a	2'	n/a	2'	n/a	2'
Encroachment into side street or rear setback (7)	n/a	4'	n/a	4'	n/a	4'	n/a	4'	n/a	4'	n/a	4'	n/a	4'

TABLE 6.2.3 DEVELOPMENT STANDARDS							
Development Standards	Zoning						
	DMU/DC	BC	CMU-C/CMU-R	CN/CN-C R	P	O	S
Other							
Parking	See Section 6.4						
Signs	See Section 6.5						
Landscaping	See ACGOC 17.64 Water Efficient Landscape Ordinance						
Fencing	Except as provided in Section 6.3 (Frontage Standards), See ACGOC 17.52.410 - 17.52.460						
Notes:							
1. Minimum FAR applies only to lots 50 feet wide, or wider.							
2. Additional stories allowed with a CUP.							
3. 5 stories allowed with a CUP.							
4. Roofs, rooftop decks, and rooftop equipment may encroach above max height up to 4 feet.							
5. Any encroachment into County property requires an encroachment permit.							
6. Percent of lot width occupied by allowed frontage, or combination of frontages.							
7. Applies to encroachments of architectural features, balconies, decks, bay windows, etc. Encroachments may increase if allowed by Frontage Types in Section 6.3.							
8. Average of the setbacks of the two adjacent properties.							
9. For parcels in the Housing Element Overlay Zone, certain development standards may be modified through an administrative modification process.							

Section XII
Ashland Cherryland Business District Specific Plan Map Amendments

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors does hereby adopt the following **map** amendments to the Ashland Cherryland Business District (ACBD) Specific Plan:

APN	ACBD Before	ACBD After
413-23-43-3	Residential- Medium Density (R-2)	Residential- Medium-High Density (R-3)
413-23-43-4	Residential- Medium Density (R-2)	Residential- Medium-High Density (R-3)
413-23-67-4	Residential- Medium Density (R-2)	Residential- Medium-High Density (R-3)



Section XIII
Castro Valley Central Business District Specific Plan Text Amendments

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby adopt the following **text** amendments to the Castro Valley Central Business District Specific Plan, using ~~strikeouts~~ for deletions, and underline for new text:

A. [Page 38] Section IV. LAND USE. A. BACKGROUND AND ANALYSIS, 3. Special Issues, c. BART Station Development: On September 30, 2018, Governor Brown signed AB 2923 into law. It added sections 29010.1 through 29010.12 to California's Public Utilities Code, affecting zoning requirements on existing BART-owned property in Alameda, Contra Costa, and San Francisco counties within a half-mile of stations. BART has designated the Castro Valley station as a Neighborhood Town Center, and has adopted AB 2923 Baseline Zoning Standards which are described in Land Use Group F.

B. [Page 58] Subarea 8: ~~Norbridge Avenue~~-BART station-Castro Valley Transit Area (CTA)

Development Objectives: This subarea constitutes the major portion of the BART station parking area, for which ~~design plans are currently being developed~~. It is possible that there will be joint development with the BART District in the future; when this is done, the station area must be developed in a manner consistent with its location adjacent to a major entrance to the community and the central business area. Policies for joint development are discussed in the design element of the plan, §VI.B.5.

C. Allowed Uses: The underlying use of the property is the Castro Valley BART station. If additional development of the property occurs Land Use Group F Castro Valley Transit Area (CTA) is the primary land use group allowed. ~~C (Offices) (all types) and Land Use Group D (High Density Residential) uses are allowed. Public-use facilities, such as community service offices, are specifically encouraged.~~ In addition, other businesses which relate to the BART station are

permitted, such as professional offices and commuter service-oriented retail.

D. [Page 79] New 3. LAND USE GROUP DEFINITIONS Sections:

Land Use Group F: Castro Valley Transit Area (CTA): This designation acknowledges legislation by the State of California (AB2923) which sets minimum Residential densities as well as specific development standards for BART stations. BART has designated the station as a Neighborhood/Town Center station type which allows a mix of Residential, Office and Commercial uses. Notably, Residential uses are mandatory while Office and Commercial uses are optional. The Residential density range for the CTA is 75-86 units per acre. The allowable height is 5 stories or higher with a Floor Area Ratio of 3.0 or higher. There is a zero minimum vehicle parking requirement for all land uses and a maximum Residential vehicle parking of 1.0 spaces per unit or lower. Maximum parking for office and retail uses is 2.5 spaces per 1,000 square feet or lower. Shared or unbundled vehicle parking is allowed (neither prohibited nor required), and there is a minimum secured bicycle parking requirement of one space per residential unit, or higher.

Land Use Group G: Very High Density Residential: This designation is used to implement Housing Element sites in the plan area and allows residential uses as the primary use up to a density of 86 units per acre. This Land Use Group should be used and applied where significant new infill residential development is anticipated.

E. [Page 78] Amend Figure 21 to remove the following parcels from Residential Land Use – As Secondary Use in subarea 8, create a new land use category on the map Castro Valley Transit Area (CTA) for these same parcels:

84A-60-14-2
84A-64-12-9
84A-68-9-8
84A-68-9-9
84A-72-8-5

F. [Page 84 Special Issues]

c . BART Station Development: The area to be developed as the parking for the Castro Valley BART station shall be converted to a Neighborhood/Town Center station type mixed-use development as soon as may be economically and practically feasible. This shall be done by working with the BART District and private developers. Development shall be pursuant to **Land Use Group F: Castro Valley Transit Area (CTA)**. ~~Include commercial development which relates to the station along the Redwood Road frontage, and either high density residential development or type C2 and C3 office development or other commercial development which relates to the station on the remainder of the site.~~ Any parking structure constructed as a part of such joint development shall not front on Redwood Road. Joint development is discussed further in §VI.B.5. below

G. [Page 152] 5.1.1 Program: BART Station Area Joint Development

On September 30, 2018, Governor Brown signed AB 2923 into law. It added sections 29010.1 through 29010.12 to California's Public Utilities Code, affecting zoning requirements on existing BART-owned property in Alameda County. ~~The Bay Area Rapid Transit (BART) BART District policy is supportive of joint development at station areas where there can be demonstrated enhancement of ridership, improvements to the overall quality of the site, and generation of revenue. A feasible joint development project under current conditions for the Castro Valley station area is described in the BART Transit Oriented Development Work Plan, which designates the station as a Neighborhood/Town Center station type. Development at the BART station is described in Land Use Group F – Castro Valley Transit Area (CTA). Is a mixed-use, office and retail building with frontage on Redwood Road. The office use also could include a public facility, such as County agency or department offices. Parking requirements, which could be reduced somewhat because of the transit adjacent location, would include provision for replacing spaces lost to BART due to the development project. Building height for properties fronting on Redwood Road, which includes the BART station area site, can exceed the general three story height limit for the Plan Area as discussed in the Design Guidelines, §H. BUILDING SCALE, MASS AND HEIGHT, above.~~

The architectural design of the joint development project should be responsive to the gateway character of such a location and the public nature of a BART station area. ~~Economic pro-forma studies of such a joint development project were prepared as part of the Plan and provide a base of information demonstrating its feasibility.~~

H. [Page 153] Delete FIGURE 35 in its entirety.

I. [Page 47] Sub Area 2

Add Land Use Group G (Very High Residential Development) as an allowed use in the Sub Area.

J. [Page 58] Sub Area 7

Add Land Use Group G (Very High Residential Development) as an allowed use in the Sub Area.

K. [Page 65] Sub Area 10

Add Land Use Group G (Very High Residential Development) as an allowed use in the Sub Area.

Section XIV **Fairview Area Specific Plan Text Amendments**

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby adopt the following text amendments to the Fairview Area Specific Plan, using strikeouts for deletions, and underline for new text:

A. [Page 3-14] (c) Other Districts. Other districts occur in Fairview, reflecting established land uses. These include PD (Planned Development), RS (Residential Suburban), Commercial, and Agricultural. Development in these districts shall be subject to the provisions of the Alameda County Zoning Ordinance and the Alameda County Residential Design Standards and Guidelines, as well as the Fairview Specific Plan. Parcels designated in the Housing Element Overlay Zone, when combined with Commercial designations, may be developed with Residential uses as the primary use, from 22-29 units per acre. In these instances, Commercial uses are

permitted as provided for in the plan but are not required.

B. [Page 3-14] 3.4.3 Zoning – Create new Zoning categories as follows:

Residential 17 – Allows Residential uses as the primary use up to 17 units per acre. This designation is a medium low density residential designation that will allow attached housing types to achieve the desired densities. Objective development and design standards will apply to these projects, as well as other provisions of the plan. The method for calculating developable site area as described in Section 3.4.3(e) applies.

Residential 29 - Allows Residential uses as the primary use up to 29 units per acre. This designation is a medium density residential designation that will allow attached housing types to achieve the desired densities. Objective development and design standards will apply to these projects, as well as other provisions of the plan. The method for calculating developable site area as described in Section 3.4.3(e) applies.

C. [Page 3-25] 3.4.9 Height (a) Maximum Height Limit. No structure shall have a height of more than two stories or 25 feet, whichever is greater, except as provided by the Alameda County Residential Design Standards and Guidelines and Sections (c) and (d) below. The building height limitations do not apply to chimneys, church spires, flag poles, or mechanical appurtenances incidental to the permitted use of a building. Residential densities 22 units per acre and higher are allowed up to 30', and 35' with a Site Development Review permit.

D. [Page 3-20] 3.4.5 Required Yards – Create a new table describing setbacks as follows:

<u>Base Zoning District</u>	<u>Side Yard</u>	<u>Corner Side Yard (street facing)</u>	<u>Front Yard</u>	<u>Rear Yard</u>
Residential 17	5	10	15	15
Residential 29	5	10	10	15

Section XV
Fairview Area Specific Plan Map Amendments

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby adopt the following map amendments to the Fairview Area Specific Plan, Figure 3-2 Zoning Map.

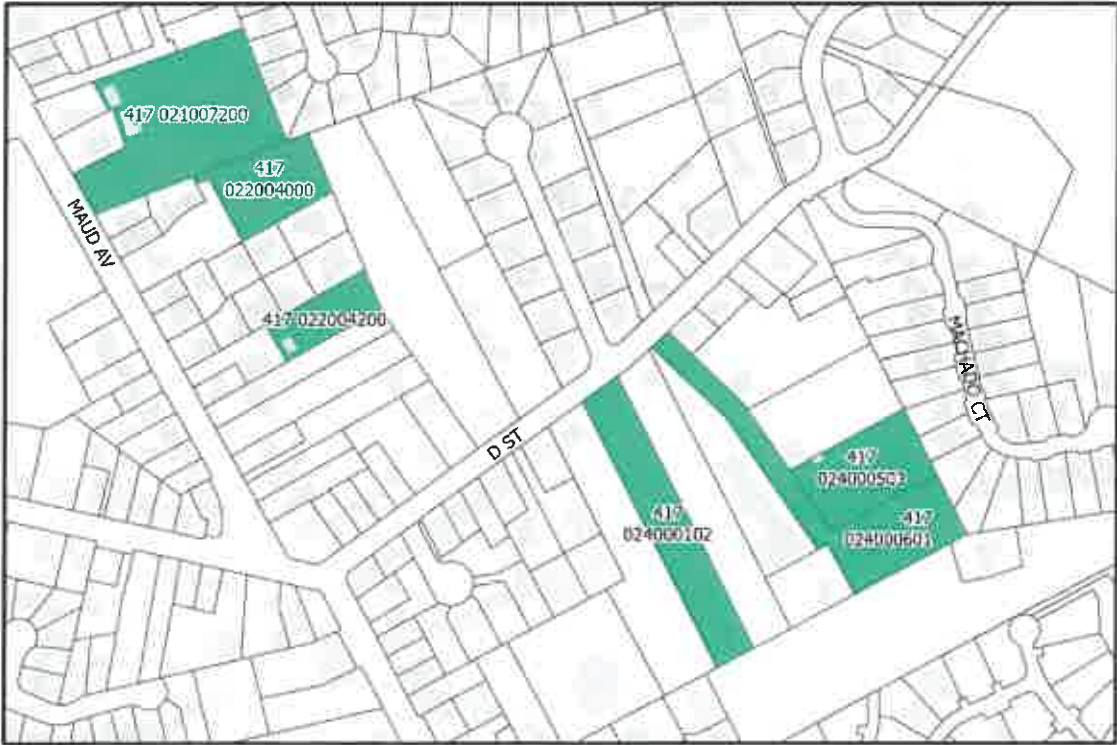
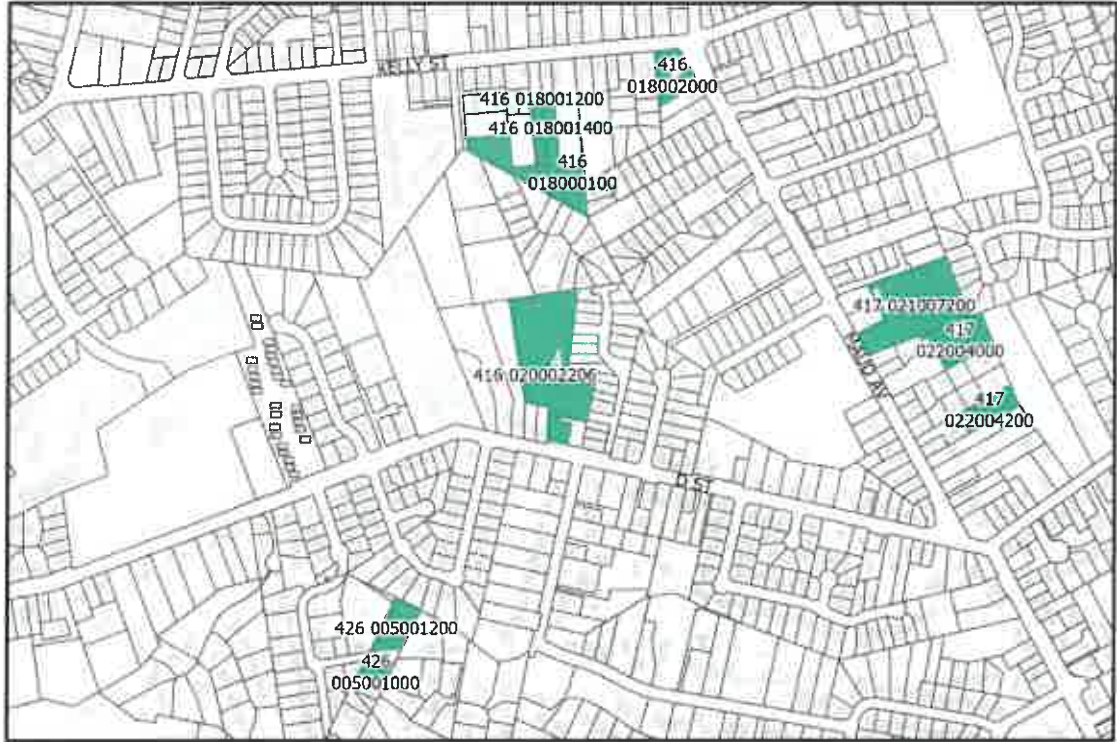
A. [Page 3-17] Figure 3-2 Zoning Map – Create new Fairview Zoning categories of Residential 17 and Residential 29

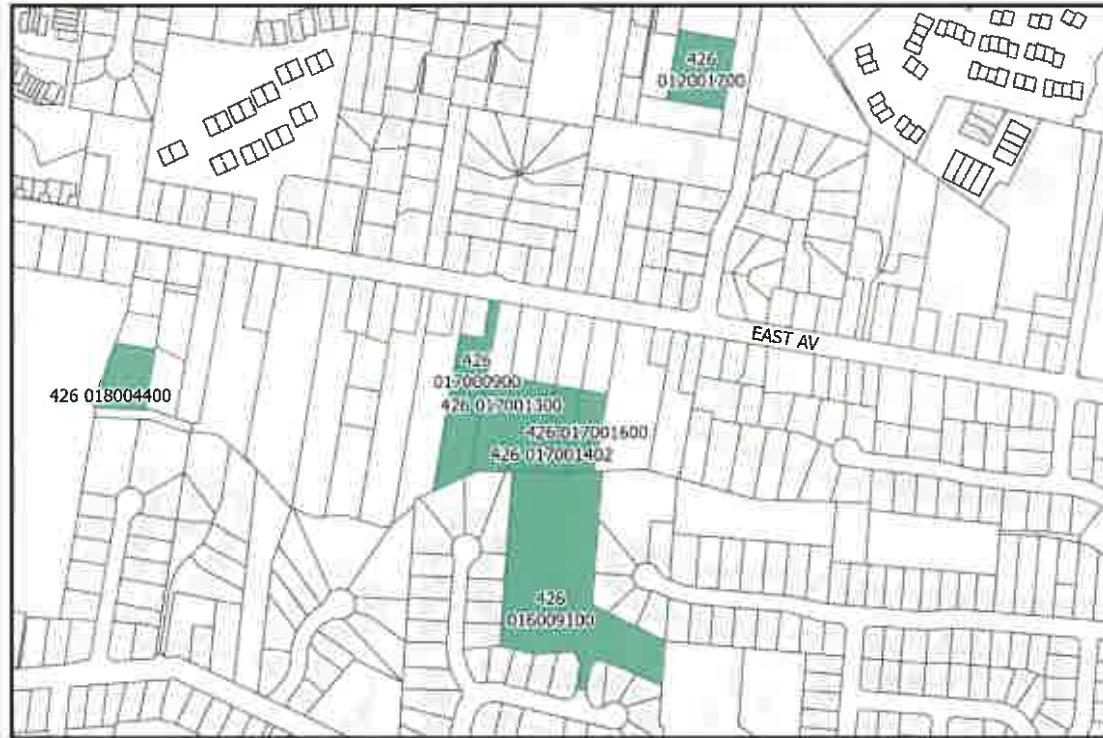
B. Rezone the following parcels per the table and maps below:

<u>APN</u>	<u>From Fairview Specific Plan zoning</u>	<u>To Fairview Specific Plan zoning</u>
416-180-20	R-1 Single Family	Residential 29
416-180-1	R-1 Single Family	Residential 17
416-180-12	R-1 Single Family	Residential 17
416-180-14	R-1 Single Family	Residential 17
417-210-72	R-1 Single Family	Residential 17
417-220-40	R-1 BE Single Family	Residential 17

417-220-42	R-1 BE Single Family	Residential 17
417-240-1-2	R-1 BE Single Family	Residential 17
417-240-5-3	R-1 BE Single Family	Residential 17
417-240-6-1	R-1 BE Single Family	Residential 17
417-270-3	R-1 BE Single Family	Residential 17
417-270-6	R-1 BE Single Family	Residential 17
425-10-6	R-1 BE Single Family	Residential 17
425-50-22-1	R1-L-BE Single Family	Residential 17
425-50-23-6	R1-L-BE Single Family	Residential 17
425-50-25-2	R1-L-BE Single Family	Residential 17
425-90-44	R-1 BE Single Family	Residential 17
425-90-45	R-1 BE Single Family	Residential 17
426-120-17	R-1 BE Single Family	Residential 17
426-160-91	R-1 BE Single Family	Residential 17
426-170-13	R-1 BE Single Family	Residential 17
426-170-14-2	R-1 BE Single Family	Residential 17
426-170-16	R-1 BE Single Family	Residential 17
426-170-9	R-1 BE Single Family	Residential 17
426-180-44	R-1 BE Single Family	Residential 17
426-50-10	R-1 BE Single Family	Residential 17
426-50-12	R-1 BE Single Family	Residential 17
416-200-22-6	R-1 BE Single Family	Residential 17







Section XVI
San Lorenzo Village Center Specific Plan Text Amendments

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby adopt the following text amendments to the San Lorenzo Village Center Specific Plan, using ~~strikeouts~~ for deletions, and underline for new text:

- A. [Page 30] Land Use table d. is amended as follows:

d. Residential and Residential/Mixed Use Standards

Residential Use	Permitted where part of a project that includes commercial development, <u>except in Housing Element Overlay Zone which allows Residential Uses as the primary use up to 86 units per acre.</u>
Unit density	Overall density: 19.66 units per acre. <u>Exception: Density for parcels in the Housing Element Overlay Zone may be higher.</u>
Number of Units	450 for Subareas 2, 4 and 5A through 5D, 130 for Subarea 6, total not to exceed 580 for entire Plan Area. <u>Exception: Units for parcels in the Housing Element Overlay Zone may exceed total for entire Plan area.</u>
Residential Open Space	Open space is permitted in (lieu of private) at not less than 150 sf per unit and is encouraged on roof tops, and courtyard gardens.
Parking	Standard housing: 2 spaces per unit; or as determined by parking demand study, whichever is greater. <u>Parking for projects in Housing Element Overlay Zone may be reduced.</u> Senior housing: as determined by parking demand study
Guest parking	As determined by parking demand study
Other residential uses	C. <u>Except parcels and projects in the Housing Element Overlay Zone are eligible for permit streamlining.</u>

THE FOREGOING was PASSED and ADOPTED by a majority vote of the Board of Supervisors of the County of Alameda, this _____ day of December 2024, pursuant to the following vote:

AYES:

NOES:

EXCUSED:

ABSTAINED:

NATE MILEY, PRESIDENT
BOARD OF SUPERVISORS

ATTEST:

Anika Campbell-Belton, Clerk
Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:
DONNA R. ZIEGLER, COUNTY COUNSEL

DocuSigned by:
By: Andrea L. Weddle
659D2806937A197
Andrea L. Weddle
Chief Assistant County Counsel

ORDINANCE NO. 2024-_____

AN ORDINANCE AMENDING TITLE 17 OF THE ALAMEDA COUNTY GENERAL ORDINANCE CODE – ZONING, TO IMPLEMENT THE 2023-2031 HOUSING ELEMENT (6TH CYCLE)

The Board of Supervisors of the County of Alameda, State of California, does hereby ordain as follows:

SECTION I
Recitals

WHEREAS, the County of Alameda (County) Board of Supervisors (Board) received a petition initiated by Alameda County Planning Department to amend the Alameda County Housing Element; and

WHEREAS, the Regional Housing Needs Assessment (RHNA) allocated to the County requires the County to accommodate 4,711 housing units at a variety of incomes levels throughout the unincorporated area of Alameda County; and

WHEREAS, to comply with Article 10.6. of the California Government Code (State Housing Element Law), the County prepared the 2023-2031 Housing Element (the Housing Element) in compliance with State Housing Element Law and identified sites that can accommodate housing units in the unincorporated area of Alameda County to meet the County’s RHNA obligation; and

WHEREAS, on November 18, 2024, the County Planning Commission held a duly and properly noticed public hearing and recommended that the Board reject the Housing Element and, therefore, took no formal action regarding the implementation of the Housing Element, including these amendments to the Zoning Ordinance; and

WHEREAS, the Alameda County Planning Department prepared a Mitigated Negative Declaration (MND) for the proposed amendments based on an Initial Study, and the MND was available for public comment from September 13 to October 14, 2024; and

WHEREAS, on December 12, 2024, the Board conducted a duly and properly noticed public hearing during which it adopted the 6th Cycle Housing Element (2023-2031) and the MND; and

WHEREAS, the Board intends to adopt this Ordinance to implement provisions of the new Housing Element.

SECTION II
Housing Element Overlay and Combining District

Chapter 17.31 is hereby added to the Alameda County Zoning Ordinance to read as follows:

17.31 – Housing Element Overlay and Districts

17.31.010 - Housing Element (HE) Zoning Overlay Combining District - Intent

The district, designated as the Housing Element (HE) zoning overlay district, is established to be combined with other districts to provide permit streamlining, incentivize the production of housing at all income levels, and to allow for variations in the intensity of development. The HE district is aligned with the base district per the density permitted by General Plans, Specific Plans and/or Zoning. The purpose of this Chapter 17.31 is to provide guidelines and approval procedures for the development and improvement of land within HE districts in unincorporated Alameda County.

17.31.020 Housing Element Overlay District – Map

The HE district map shows all the overlay parcels and designates the maximum density which shall then determine the applicable development standards and objective design standards described in Table 1 below, Section 17.31.050 - Review Process and Procedure. The map also depicts those sites identified for low-income households, and the provisions of Sections 17.31.040(C) and 17.31.040(F) shall apply on these sites.

17.31.030 Applicability

The HE district regulations shall apply to all parcels identified in the adopted Housing Element Zoning Overlay District Map (as amended).

17.31.040 - General provisions

- A. In a combining HE district all regulations shall remain the same as in the base district with which the HE district is combined except as to the matters described in this Chapter 17.31. In the case of any conflict the HE district regulations shall govern over the base district regulations.
- B. Parcels within the HE district shall benefit from permit streamlining and, in many cases, ministerial approval.
- C. For parcels designated “Low Income” or “Mixed Income” in the 6th Cycle Housing Element, by-right approval shall be given to owner-occupied and rental multi-family projects in which 20 percent or more of the units are affordable to lower-income households. In addition, all HE district sites intended to accommodate lower-income households are required to build to a minimum density of at least 20 dwelling units per acre.
- D. All sites in the HE district shall be deemed to have building site status, conforming lot dimensions (frontage, depth, width) and to meet minimum building site size, regardless of the zoning or specific plan district in which they are located.
- E. All sites in the HE district shall allow residential uses as a primary use. The primary residential use can be, but is not required to be, combined with a secondary commercial use if the underlying zoning district allows such commercial use.
- F. For any mixed-use project sites identified in the sites inventory for “Low Income” and “Mixed Income” units, residential use is required of at least 50 percent of the total floor area on these sites.
- G. In the case of a subdivision into fee simple parcels, stock cooperative or condominium units, compliance with Title 16 of the County Zoning Code shall be required, in addition to any HE district requirements.

17.31.050 - Review Process and Procedure

For all residential or mixed-use projects proposed in the HE overlay district, the following table shall be used to determine the Applicable Zoning Standards, Objective Design Standards, Planning Permit Required, and Approval Procedure. The density of the project is the basis for review.

Table 1

Density as Units/Acre	Zoning District Applicability	Development Standards and Objective Design Standards	Planning Permit Required	Procedure
Below 9 Units/Acre	Any parcel based on the R-1 zone, or any parcel in the Overlay where the expected capacity is 1 unit.	Applicable base single-family zoning, including minimum lot size, coverage and floor area limitations. Follow base zoning and/or specific plan requirements.	None	Ministerial
9-21 Units/Acre	R-9-HE ACBD-R1 R1 RSL-CSU-RV CVCBD-CVBD-S11W PD-2226 R1 R2-BE RS-D3 RS-SU RSL-17-HE FA-17-HE PD-1408 PD-2166 RS-D20	Follow applicable Zoning District for Development Standards and Complete Objective Design Standards Checklist for 9-21 Units/Acre	Compliance with Zoning Standards and Objective Design Standards Checklist	Ministerial - with limit of 2 hearings at Municipal Advisory Councils
			Site Development Review if not in compliance	Discretionary – with limit of 2 hearings at Municipal Advisory Council
22-43	R-S-22-HE FA-CN-22-HE C1-22-HE RLM-22-HE AO-CMU-R R2 R2-BE R3-BE RS-D25 RS-D35 FA-29-HE FA-CN-29-HE	Follow Zoning Districts for Development Standards, and complete Objective Design Standards Checklist for 22-43 Units/Acre	Compliance with Zoning and Objective Design Standards Checklist	Ministerial - with limit of 2 hearings at Municipal Advisory Councils
			Site Development Review if not in compliance	Discretionary - with limit of 2 hearings at Municipal Advisory Council

	RMF-HE RMF-D3 RS-D15 CVBD-S07 CN-43-HE ACBD-DC-43-HE GC-MHDR-43-HE ACBD-R3-HE MHDR-43-HE ACBD-DMU-43-HE ACBD-AO-CMU-C CMU-C PD-1487			
44-86	R-60-HE CC-60-HE CN-60-HE CVBD-S02-86-HE CVBD-S07-86-HE CVBD-S10-86-HE ACBD-DC-86-HE ACBD-DMU-86-HE ACBD-CMU-C-86-HE HDR-86-HE SLZ-86-HE CVBD-CTA-S08-86-HE DMU	Follow Zoning Districts for Development Standards, and complete Objective Design Standards Checklist for 44-86 Units/Acre	Compliance with Zoning and Objective Design Standards Checklist Site Development Review if not in compliance	Ministerial - with limit of 2 hearings at Municipal Advisory Councils Discretionary -with limit of 2 hearings at Municipal Advisory Council
87-125	HDR-100-HE; BTA-HDR-125 / GC-HE	Follow Zoning Districts for Development Standards, and follow Chapter 8 of Residential Design Standards and Guidelines	Compliance with Zoning and Chapter 8 of Residential Design Standards and Guidelines Site Development Review if not in compliance	Ministerial with limit of 1 hearing at Municipal Advisory Councils Discretionary - limit of 1 hearing at Municipal Advisory Council

17.31.060 Procedures and Permit Streamlining

A. As described in Table 1 in Section 17.31.050 above, projects shall be approved using either a ministerial or discretionary process. Ministerial approval is by-right approval that requires no personal judgment or discretion from the approving authority. The discretionary process is as outlined in Section 17.54.210 – Site Development Review.

B. For all density ranges below 9 dwelling units per acre (single family density) projects follow the base zoning or specific plan standards and shall be ministerially approved with no hearing.

C. For all density ranges above 9 dwelling units per acre projects must utilize the County's "Checklists for Residential Development" (as they may be amended) to demonstrate compliance with objective standards that can result in a ministerial approval. Ministerial projects are limited in the number of required hearings, as described in Table 1 in Section 17.31.050 above, and hearings at the Municipal Advisory Councils are only informational, to provide review of objective zoning and design standards only.

D. Projects that require a Site Development Review are limited in the number of required hearings as described in Table 1 in Section 17.31.050 above. These hearings at the Municipal Advisory Councils shall be action items.

E. After the conclusion of the required number of ministerial hearings described in Table 1 in Section 17.31.050 above the project is deemed approved. A project manager from the Planning Department will be assigned to facilitate the permit process.

17.31.070 Development Standards

As described in Table 1 in Section 17.31.050 above, Development Standards shall be determined by the density range that best corresponds to the building type identified in the "Checklist for Residential Development." In no case shall projects exceed the HE Overlay density maximum, except as allowed by State law. Minor variations between Residential Design and Objective Standards categories may be allowed as determined by the Planning Director.

17.31.080 Administrative Modification

To facilitate projects achieving maximum densities within the HE Overlay, an Administrative Modification is available. Administrative Modification is a no-cost request to modify development standards. It applies to lot dimensions, height, setbacks, open space, landscaping and parking. Administrative Modification is available to applicants and projects covered under Section 17.31.030, Applicability, and can only be appealed under findings of adverse specific impact described in the Housing Accountability Act (Government Code section 65589.5 (a)(3)).

17.31.090 Required Parking Spaces

A. **Project Parking:** HE Overlay projects in zoning districts based on the Single-Family R-1 Districts (base districts) shall follow zoning or specific plan parking requirements, which normally require more than 1 parking space per unit. HE Overlay projects with proximity to transit stations or stops may have reduced parking requirements based on applicable State law. In all other cases the maximum parking requirement shall not exceed:

1. Studio Units: one (1) parking space per unit

2. One-bedroom units: one and one-half (1.5) parking spaces per unit
 3. Two-bedroom or more units: two (2) parking spaces per unit, one of which can be tandem and/or uncovered
- B. **Guest Parking:** HE overlay projects in zoning districts based on the Single-Family R-1 Districts (base districts) shall follow zoning or specific plan requirements for guest parking. In all other cases the guest parking requirement shall not exceed .25 parking spaces per unit.
- C. In no case shall the parking requirement for HE Overlay projects above 9 dwelling units per acre exceed 2.25 per unit, inclusive of guest parking.

17.31.100 Administration

The Planning Department shall include in the annual General Plan report to the Board of Supervisors, or no more than two times per calendar year, as needed, a review of the Housing Element Overlay, including information to address RHNA compliance/no net loss and recommended additions to or deletions from the HE Overlay Combining District.

17.31.110 Sunset

The Housing Element (HE) district overlay shall sunset upon adoption by the Board of Supervisors of the 7th Cycle Housing Element.

17.31.120 Housing Element Zoning Districts - Purpose.

The purpose of sections 17.31.120 through 17.31.260 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 these sections 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 17.31.010 through 17.31.090 of this Chapter.

17.31.130 – Housing Element districts—Reference to Residential Design Standards and Guidelines

Residential development and mixed-use residential development within the Housing Element Combining 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 regulations in Sections 17.31.120 through 17.31.260 shall apply.

17.31.140 Neighborhood Commercial 60 (CN-60-HE)

- A. The Neighborhood Commercial 60 (CN-60-HE) Housing Element Overlay Combining Zoning District is established with the intent to permit multi-family residential and mixed-use residential development in the CN zoning district (base 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 square feet or more of non-residential floor area;
 2. for construction of more than 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 Combining District shall be reviewed under the procedures set forth in Sections 17.31.010 through 17.31.090 of this Chapter.
- 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 Castro Valley Commercial Business District (CVCBD) Specific Plan 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 Specific Plan 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 Specific Plan 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 Specific Plan 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 Specific Plan 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 Specific Plan 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 Specific Plan 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 Specific Plan 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 Specific Plan 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 Specific Plan 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 Specific Plan 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 Specific Plan 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 Specific Plan Land Use Group E development type.
3. for non-residential development: development regulations as listed in Chapter 17.36 – C-N Districts.

17.31.150 Retail Business 22 (C1-22-HE)

- A. The Retail Business 22 (C1-22-HE) Housing Element Overlay Combining Zoning District is established with the intent to permit multi-family residential and mixed-use residential development in the C1 zoning district (base 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 square feet or more of non-residential floor area;
 2. for construction of more than 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 Combining District shall be reviewed under the procedures set forth in Sections 17.31.010 through 17.31.090 of this Chapter.
- 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 Specific Plan, Land Use Group D (High Density Residential) development type at a density range of 17.4 to 21.8 dwelling units per acre.
 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 Specific Plan 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 Specific Plan, Land Use Group D (High Density Residential) development type at a density range of 17.4 to 21.8 dwelling units per acre.
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 Specific Plan, Land Use Group D (High Density Residential) development type at a range of 17.4 to 21.8 dwelling units per acre.
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 Specific Plan, Land Use Group D (High Density Residential) development type at a range of 17.4 to 21.8 dwelling units per acre.
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 Specific Plan, Land Use Group D (High Density Residential) development type at a range of 17.4 to 21.8 dwelling units per acre.
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 Specific Plan, Land Use Group D (High Density Residential) development type at a range of 17.4 to 21.8 dwelling units per acre.
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 Specific Plan, Land Use Group D (High Density Residential) development type at a range of 17.4 to 21.8 dwelling units per acre.
3. for non-residential development: development regulations as listed in Chapter 17.38 – C-1 Districts.

17.31.160 Community Commercial 60 (CC-60-HE)

- A. The Community Commercial 60 (CC-60-HE) Housing Element Overlay Combining Zoning District is established with the intent to permit multi-family residential and mixed-use residential development in the CC zoning district (base 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 square feet 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 Combining District shall be reviewed under the procedures set forth in Sections 17.31.010 through 17.31.090 of this Chapter.
- 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 Specific Plan, 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 Specific Plan 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 Specific Plan 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 Specific Plan 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 Specific Plan 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 Specific Plan 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 Specific Plan 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 Specific Plan 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 Specific Plan 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 Specific Plan 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 Specific Plan 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 Specific Plan 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 Specific Plan 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 Specific Plan Land Use Group E development type.

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

17.31.170 Neighborhood Commercial Medium High Density Residential 43 (CN-MHDR-43-HE)

- A. The Neighborhood Commercial Medium High Density Residential 43 (CN-MHDR-43-HE) Housing Element Overlay Combining Zoning District is established with the intent to permit multi-family residential and mixed-use residential development in the CN zoning district (base district) 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 square feet or more of non-residential floor area;
 2. for construction of more than 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 Combining District shall be reviewed under the procedures set forth in Sections 17.31.010 through 17.31.090 of this Chapter.
- 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.

17.31.180 Residential 60 (R-60-HE)

- A. the Residential 60 (R-60-HE) Housing Element Overlay Combining Zoning District established with the intent 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 Combining District shall be reviewed under the procedures set forth in Sections 17.31.010 through 17.31.090 of this Chapter.
- 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. 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 Specific Plan 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 Sections 17.31.120 through 17.31.260 shall apply.
- G. Residential Density – 30 dwelling units per net acre minimum and 60 dwelling units per net acre maximum.
- H. Other regulations – 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 regulations in Sections 17.31.120 through 17.31.260 shall apply.

17.31.190 Residential Low Medium Density 22 (RLM-22-HE)

- A. The Residential Low Medium Density 22 (RLM-22-HE) Housing Element Overlay Combining Zoning District is established with the intent 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 square feet or more of non-residential floor area of existing permitted or conditionally permitted uses;
 2. construction of more than 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 17.31.010 through 17.31.090 of this Chapter.
- 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. 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 square feet 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 regulations in Sections 17.31.120 through 17.31.260 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 square feet 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 Section 17.51.090.

17.31.200 Residential Medium Density Family 29 (RMF-29-HE)

- A. The Residential Medium Density Family 29 (RMF-29-HE) Housing Element Overlay Combining Zoning District is established with the intent to permit multi-family residential development, and to support medium density multi-family residential development in Castro Valley. The RMF-29-HE district (base 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 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 17.31.010 through 17.31.090 of this Chapter.

- 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 square feet per dwelling unit (R-S-D-20) and the Suburban Residence 1,500 square feet 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.

17.31.210 Residential Small Lot 17 (RSL-17-HE)

- A. The Residential Small Lot 17 (RSL-17-HE) Housing Element Overlay Combining Zoning District is established with the intent 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 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 Combining District shall be reviewed under the procedures set forth in Sections 17.31.010 through 17.31.090 of this Chapter.
- 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 square feet per dwelling unit (R-S-D-35) and the Suburban Residence 2,500 square feet per dwelling unit (R-S-D-25) development types shall apply 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.

17.31.220 Residential Suburban 22 (RS-22-HE)

- A. The Residential Suburban 22 (RS-22-HE) Housing Element Overlay Combining Zoning District is established with the intent 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 square feet or more of non-residential floor area of existing permitted or conditionally permitted uses;
 2. construction of more than 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 17.31.010 through 17.31.090 of this Chapter.
- 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. Residential development shall be subject to the "Residential Design Standards and Guidelines for the Suburban Residence 3,500 square feet per dwelling unit (R-S-D-35) and the Suburban Residence 2,000 square feet 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 regulations in Sections 17.31.130 through 17.31.260 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 square feet per dwelling unit (R-S-D-35) and the Suburban Residence 2,000 square feet 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 regulations in Sections 17.31.120 through 17.31.250 shall apply.

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

17.31.230 Medium High Density Residential 43 (MHDR-43-HE)

- A. The Medium High Density Residential 43 (MHDR-43-HE) Housing Element Overlay Combining Zoning District is established with the intent 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 square feet or more of non-residential floor area;
 2. for construction of more than 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 17.31.010 through 17.31.090 of this Chapter.
- 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. 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 regulations in Sections 17.31.120 through 17.31.250 shall apply.
- G. Residential Density – 22 dwelling units per net acre minimum and 43 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 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 regulations in Sections 17.31.130 through 17.31.260 shall apply.
 2. Non-residential development shall be subject to the development regulations of Chapter 17.16.

17.31.240 High Density Residential 86 (HDR-86-HE)

- A. The High Density Residential 86 (HDR-86-HE) Housing Element Overlay Combining Zoning District is established with the intent 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 square feet or more of non-residential floor area;
 2. for construction of more than 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 17.31.010 through 17.31.090 of this Chapter.
- 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. 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 regulations in subdivisions (G) and (H) of this Section 17.31.240 shall apply.
- G. Residential Density – 43 dwelling units per net acre minimum and 86 dwelling units per net acre maximum.
- H. 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 maximum height up to 4 feet).
 - b. Setbacks:
 - i. Front Yard: 20 feet minimum - 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 square feet 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 section 17.31.250.
- 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 Chapter 17.16.
- 3. Accessory structures, buildings, and uses, and on-site landscaping, shall be subject to applicable development regulations of this Title.

17.31.250 High Density Residential 100 (HDR-100-HE)

- A. The High Density Residential 86 (HDR-86-HE) Housing Element Overlay Combining Zoning District is established with the intent 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 square feet or more of non-residential floor area;
 - 2. for construction of more than 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 Combining District shall be reviewed under the procedures set forth in Sections 17.31.010 through 17.31.090 of this Chapter.
- 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. 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 regulations in subdivisions (G) and (H) of this Section 17.31.260 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 maximum height up to 4 feet).
 - b. Setbacks:
 - i. Front Yard: 20 feet minimum - 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 square feet 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 Section 17.31.250.
- 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 Chapter 17.16.
- 3. Accessory structures, buildings, and uses, and on-site landscaping, shall be subject to the regulations in Sections 17.31.120 through 17.31.260.

17.31.260 Bay Fair Transit Area High Density Residential 125 General Commercial (BTA-HDR-125-GC-HE)

- A. The Bay Fair Transit Area High Density Residential 125 General Commercial (BTA-HDR-125-GC-HE) Housing Element Overlay Combining Zoning District is established with the intent 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 more than 10 primary residential dwelling units if the new construction is not affordable housing;
 - 2. remodel of 1,000 square feet 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 17.31.010 through 17.31.090 of this Chapter.
- C. 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)[Government Code Section 65913.4]:
 - 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 radius of ½ mile; and
 - iv. the construction plan meets required labor standards described in the bill.
 - b. is located in the Housing Element Overlay Combining District;
 - 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. Retail uses that do not sell or dispense alcoholic beverages 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. 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 regulations in subdivisions (H) and (I) of this Section 17.31.260 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 maximum 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:

A. Section 6.3.6 “Shop front and Awning” development;

B. Section 6.3.7 “Forecourt” development;

C. Section 6.3.8 “Terrace” development;

D. 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 square feet 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 Section 17.31.260.
- 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 Chapter 17.16.
 3. Accessory structures, buildings, and uses, and on-site landscaping, shall be subject to the applicable development regulations in sections 17.31.120 through 17.31.260.

SECTION III
Districts Enumerated

The new zoning districts regulated in Section II of this Ordinance and listed as shown in *italicized and underlined* font in the following table are hereby established and added to Section 17.02.060 – Districts enumerated.

17.02.060 – Districts enumerated.

There are the following districts established respectively for the purposes set forth in the chapter or section of this title indicated opposite the name and symbol designating each of the following:

Name of District	Designated As:	Chapter or Section Number
Agricultural	A districts	Chapter 17.06
Single-family residence	R-1 districts	Chapter 17.08
Two-family residence	R-2 districts	Chapter 17.10
Suburban residence	R-S districts	Chapter 17.12
Mixed Use Residential/Commercial	M-U districts	Chapter 17.13
Four-family residence	R-3 districts	Chapter 17.14

Name of District	Designated As:	Chapter or Section Number
Multiple residence	R-4 districts	Chapter 17.16
Sunol downtown	SD districts	Chapter 17.17
Planned development	PD districts	Chapter 17.18
Historical preservation	HP districts	Chapter 17.20
Combining site area	B districts	Chapter 17.22
Combining density	D districts	Chapter 17.24
Combining density variable	DV districts	Chapter 17.25
Combining agricultural use	L districts	Chapter 17.26
Combining air pollution control	X districts	Chapter 17.28
Combining sign control	S districts	Chapter 17.30
Combining floodway	F districts	Sections 17.30.040—17.30.090
<u>Neighborhood Commercial 60</u>	<u>CN-60-HE</u>	<u>Section 17.31.140</u>
<u>Retail Business 22</u>	<u>C1-22-HE</u>	<u>Section 17.31.150</u>
<u>Community Commercial 60</u>	<u>CC-60-HE</u>	<u>Section 17.31.160</u>
<u>Neighborhood Commercial Medium High Density Residential 43</u>	<u>CN-MHDR-43-HE</u>	<u>Section 17.31.170</u>
<u>Residential 60</u>	<u>R-60-HE</u>	<u>Section 17.31.180</u>
<u>Residential Low Medium Density 22</u>	<u>RLM-22-HE</u>	<u>Section 17.31.190</u>
<u>Residential Medium Density Family 29</u>	<u>RMF-29-HE</u>	<u>Section 17.31.200</u>
<u>Residential Small Lot 17</u>	<u>RSL-17-HE</u>	<u>Section 17.31.210</u>

Name of District	Designated As:	Chapter or Section Number
<i>Residential Suburban 22</i>	<i>RS-22-HE</i>	<i>Section 17.31.220</i>
<i>Medium High Density Residential 43</i>	<i>MHDR-43-HE</i>	<i>Section 17.31.230</i>
<i>High Density Residential 86</i>	<i>HDR-86-HE</i>	<i>Section 17.31.240</i>
<i>High Density Residential 100</i>	<i>HDR-100-HE</i>	<i>Section 17.31.250</i>
<i>Bay Fair Transit Area High Density Residential 125 General Commercial</i>	<i>BTA-HDR-125-GC-HE</i>	<i>Section 17.31.260</i>
Highway frontage	H-I districts	Chapter 17.32
Administrative office	C-O districts	Chapter 17.34
Neighborhood business	C-N districts	Chapter 17.36
Retail business	C-1 districts	Chapter 17.38
General commercial	C-2 districts	Chapter 17.40
Industrial park	M-P districts	Chapter 17.42
Light industrial	M-1 districts	Chapter 17.44
Heavy industrial	M-2 districts	Chapter 17.46
Parking	P districts	Chapter 17.48
Unclassified	U districts	Chapter 17.50
Castro Valley	CV	Chapter 17.51

SECTION IV
Re-Zonings

The parcels listed in the following table by Assessor Parcel numbers and addresses are hereby re-zoned as follows and as shown in the respective zoning maps contained in Section V of this Ordinance:

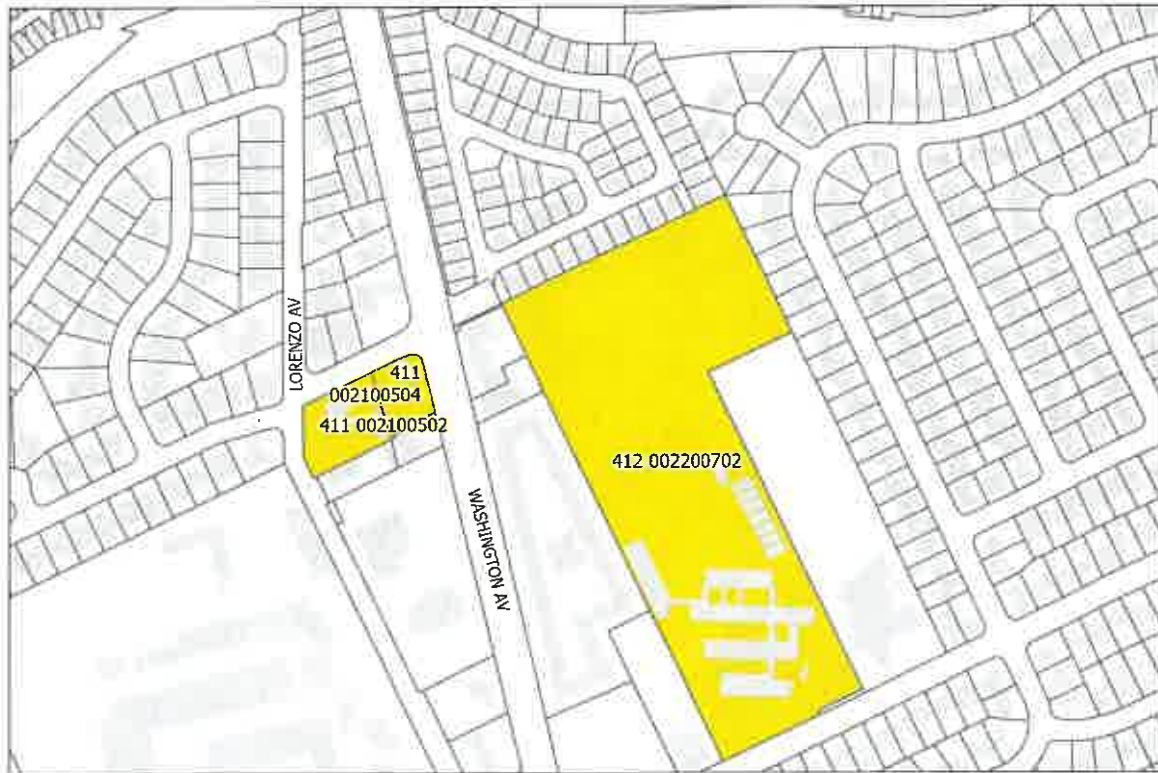
Assessor's Parcel Number	Parcel Address	Current Zoning District Designation	New Zoning District Designation
085 -5450-054-00	4980 Jensen Road	Planned Development, ZU-1566	Residential Small Lot 17 (RSL-17-HE)
085 -5475-002-00	Jensen Road	Planned Development, ZU-1489	Residential Small Lot 17 (RSL-17-HE)
412 -0087-071-02	19390 Hesperian Boulevard	R-S-D-25 / C-1	Retail Business 22 (C1-22-HE)
432 -0004-028-06	19510 Hesperian Boulevard	C-1	Retail Business 22 (C1-22-HE)
429 -0010-059-02	Meekland Avenue	C-N	Neighborhood Commercial Medium High Density Residential 43 (CN-MHDR-43-HE)
411 -0021-005-02	15600 Lorenzo Avenue	R-3	High Density Residential 86 (HDR-86-HE)
411 -0021-005-04	15601 Washington Avenue	C-1	High Density Residential 86 (HDR-86-HE)
415 -0160-051-00	21112 Oak Street	R-S-DV	High Density Residential 86 (HDR-86-HE)
432 -0004-034-02	730 Bartlett Avenue	R-S-DV	High Density Residential 86 (HDR-86-HE)
412 -0087-078-00	705 Bartlett Avenue	R-S-DV	High Density Residential 86 (HDR-86-HE)
411 -0091-002-00	1294 Bockman Road	Planned Development, ZU-1209	Medium High Density Residential 43 (MHDR-43-HE)
432 -0004-030-02	770 Bartlett Avenue	R-S-DV	Medium High Density Residential 43 (MHDR-43-HE)
080D-0566-036-01	764 Galway Drive	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)
415 -0160-014-00	21406 Oak Street	R-4	Residential 60 (R-60-HE)
415 -0160-015-00	21420 Oak Street	R-4	Residential 60 (R-60-HE)
415 -0160-016-00	21408 Oak Street	R-4	Residential 60 (R-60-HE)
415 -0160-018-00	21454 Oak Street	R-4	Residential 60 (R-60-HE)
415 -0160-053-00	21320 Oak Street	R-4	Residential 60 (R-60-HE)
080A-0153-003-06	Plaza Drive	P-F	High Density Residential 100 (HDR-100-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-0199-001-05	Miramonte Avenue	Planned Development, ZU-1762	Residential Medium Density Family 29 (RMF-29-HE)
080A-0209-004-00	166 th Avenue	R-1-RV-H-O	Residential Small Lot 17 (RSL-17-HE)
080A-0221-040-00	President Drive	R-1-RV-H-O	Residential Small Lot 17 (RSL-17-HE)
084A-0240-002-00	20396 John Drive	RSL-CSU-RV	Residential Small Lot 17 (RSL-17-HE)
084A-0250-009-03	20338 John Drive	RSL-CSU-RV	Residential Small Lot 17 (RSL-17-HE)
084A-0250-009-04	20396 John Drive	RSL	Residential Small Lot 17 (RSL-17-HE)
084B-0570-123-03	19271 Santa Maria Avenue	R-1-CSU-RV	Residential Small Lot 17 (RSL-17-HE)
084C-1064-026-00	20124 Center Street	R-1-CSU-RV	Residential Small Lot 17 (RSL-17-HE)
084C-1064-027-00	20104 Center Street	R-1-CSU-RV	Residential Small Lot 17 (RSL-17-HE)
084C-1064-028-00	20074 Center Street	R-1-CSU-RV	Residential Small Lot 17 (RSL-17-HE)
084C-0885-031-03	Bains Court	R-1-BE-CSU-RV	Residential Small Lot 17 (RSL-17-HE)
084C-0885-032-02	Bains Court	R-1-BE-CSU-RV	Residential Small Lot 17 (RSL-17-HE)
084C-0885-033-04	Madison Avenue	R-1-BE-CSU-RV	Residential Small Lot 17 (RSL-17-HE)
085 -1613-001-00	6132 Greenridge Road	R-1-BE-CSU-RV-H-O	Residential Small Lot 17 (RSL-17-HE)
080D-0563-017-00	Dermody Avenue	R-S-D-15	Bay Fair Transit Area High Density Residential 125 General Commercial (BTA-HDR-125-GC-HE)
080D-0565-029-00	Wagner Street	R-S-D-15	Bay Fair Transit Area High Density Residential 125 General Commercial (BTA-HDR-125-GC-HE)
080D-0565-030-00	Wagner Street	R-S-D-15	Bay Fair Transit Area High Density Residential 125 General Commercial (BTA-HDR-125-GC-HE)
080D-0568-030-00	Wagner Street	R-S-D-15	Bay Fair Transit Area High Density Residential 125 General Commercial (BTA-HDR-125-GC-HE)

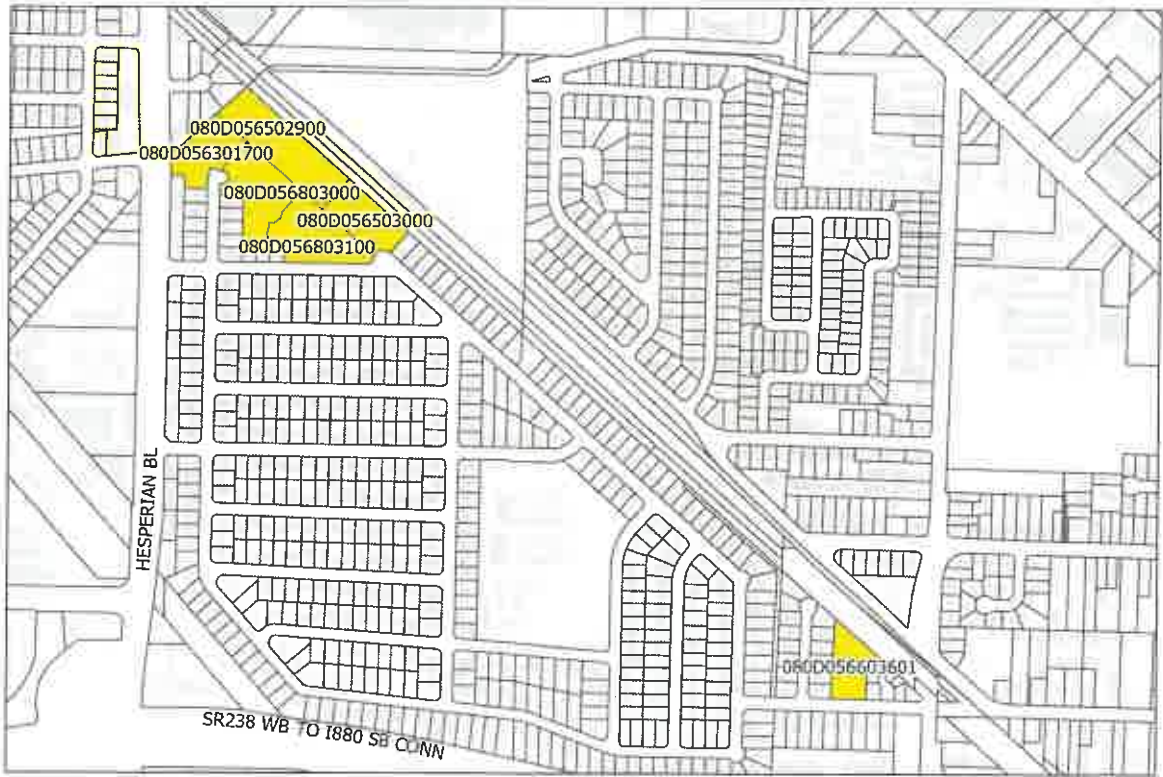
080D-0568-031-00	Wagner Street	R-S-D-15	Bay Fair Transit Area High Density Residential 125 General Commercial (BTA-HDR-125-GC-HE)
080A-0188-002-07	16290 Foothill Boulevard	Planned Development, ZU-PLN2013-00214	Neighborhood Commercial 60 (CN-60-HE)
412 -0022-007-02	879 Grant Avenue	R-1	Residential Suburban 22 (RS-22-HE)
416 -0040-044-00	2652 Vergil Court	SCV	Residential Low Medium Density 22 (RLM-22-HE)

SECTION V
Zoning Map Amendments

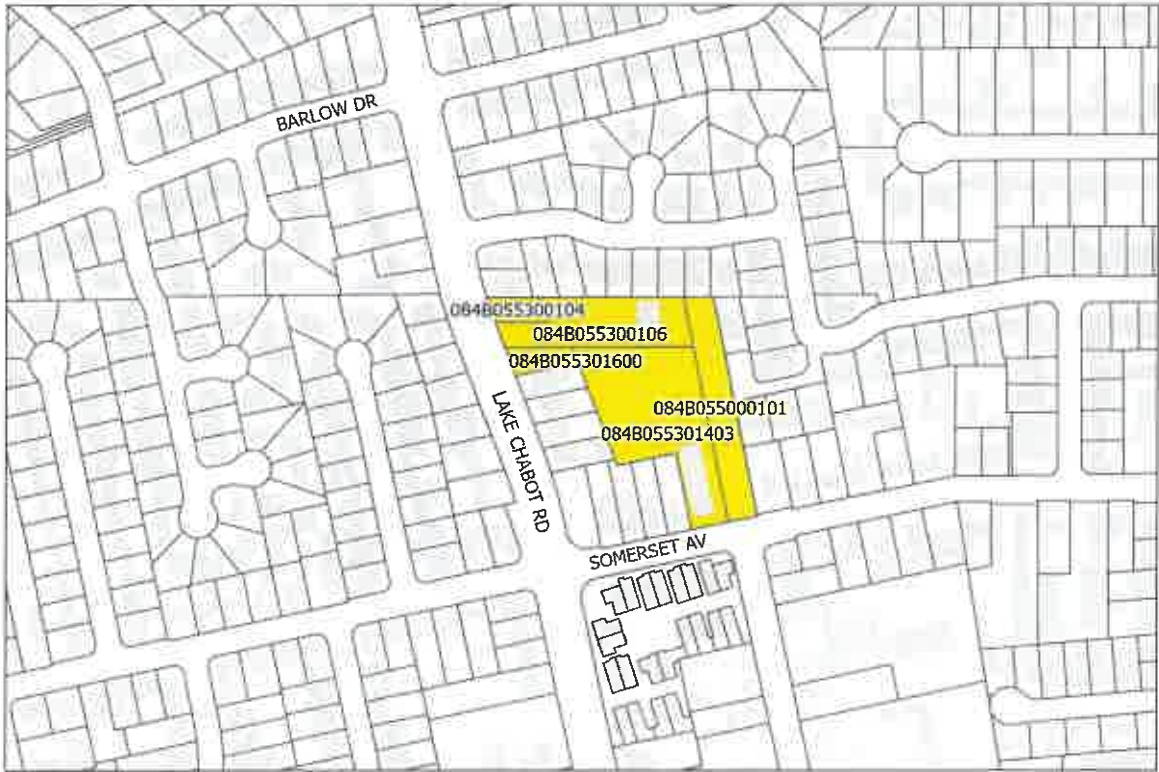
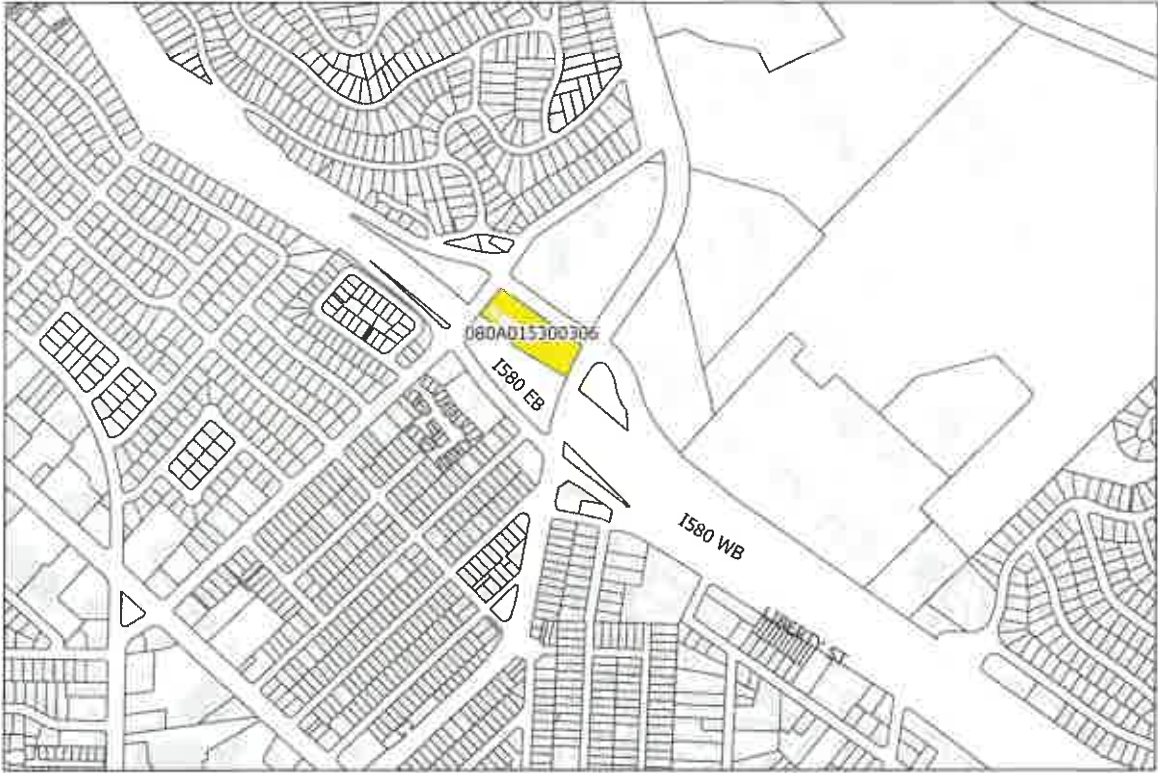
Amended Zoning Maps, depicting the parcels re-zoned in Section IV above, with their respective designated Assessor's Parcel Numbers (as of the date of this Ordinance) are adopted as shown below:



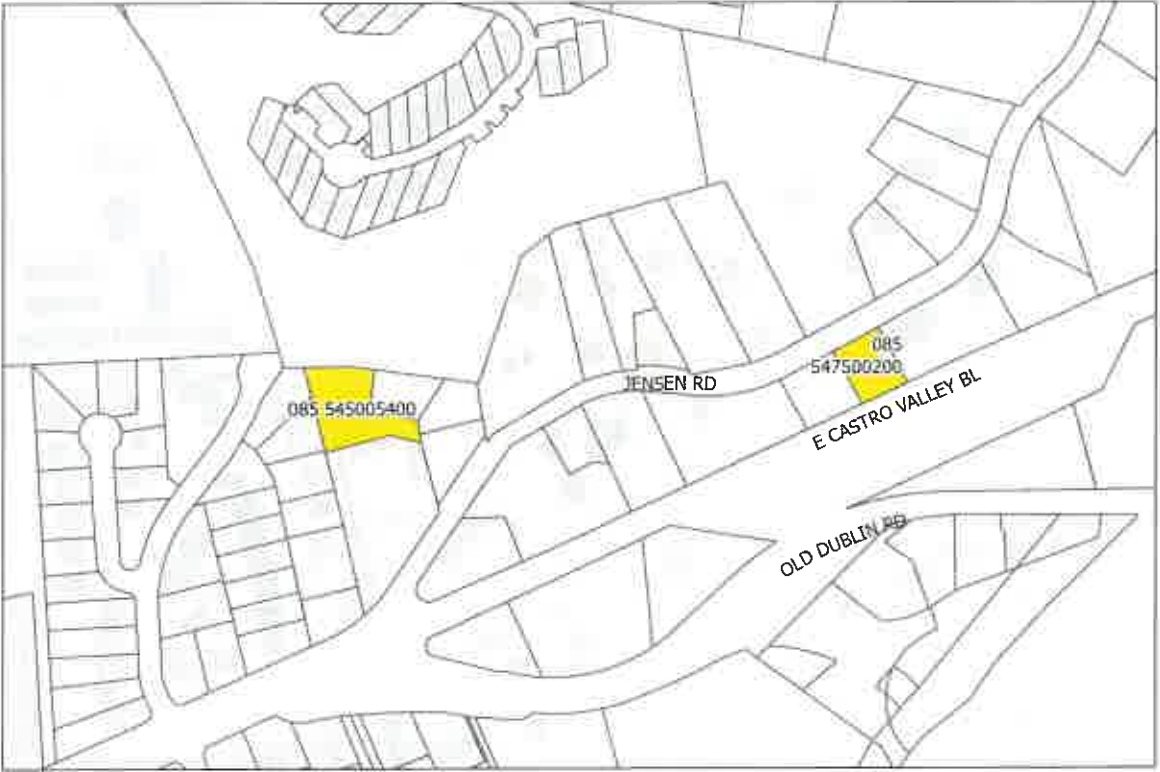


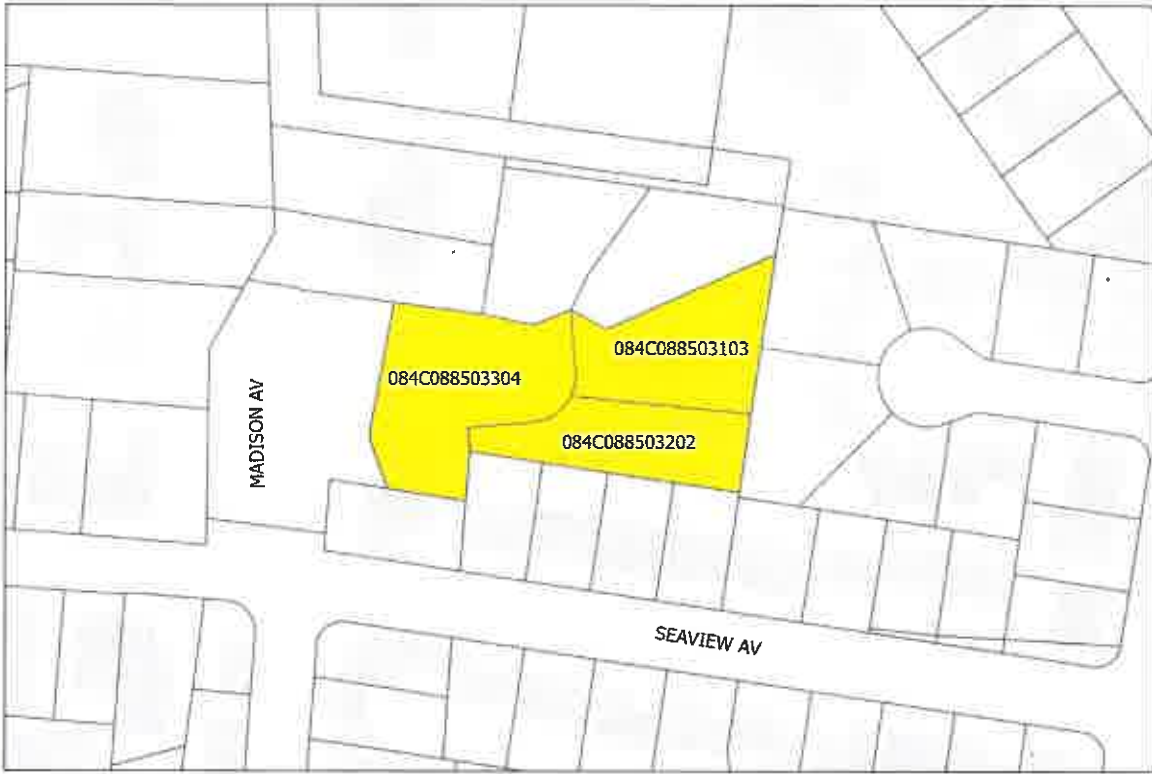










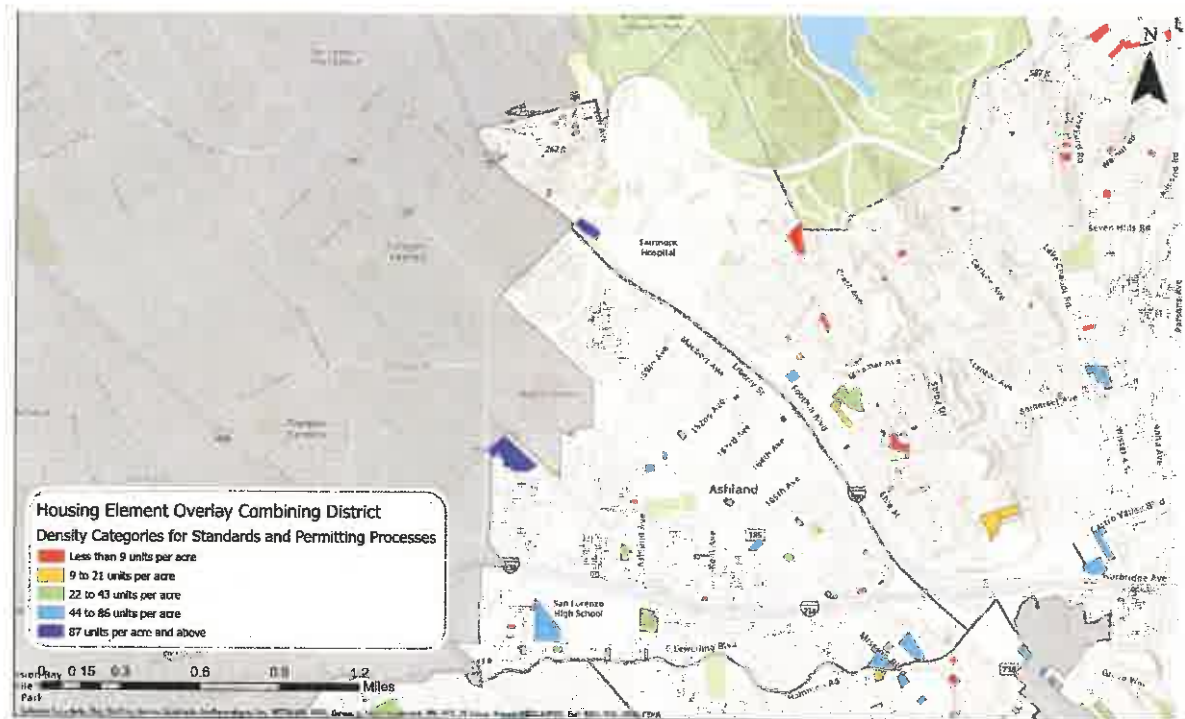


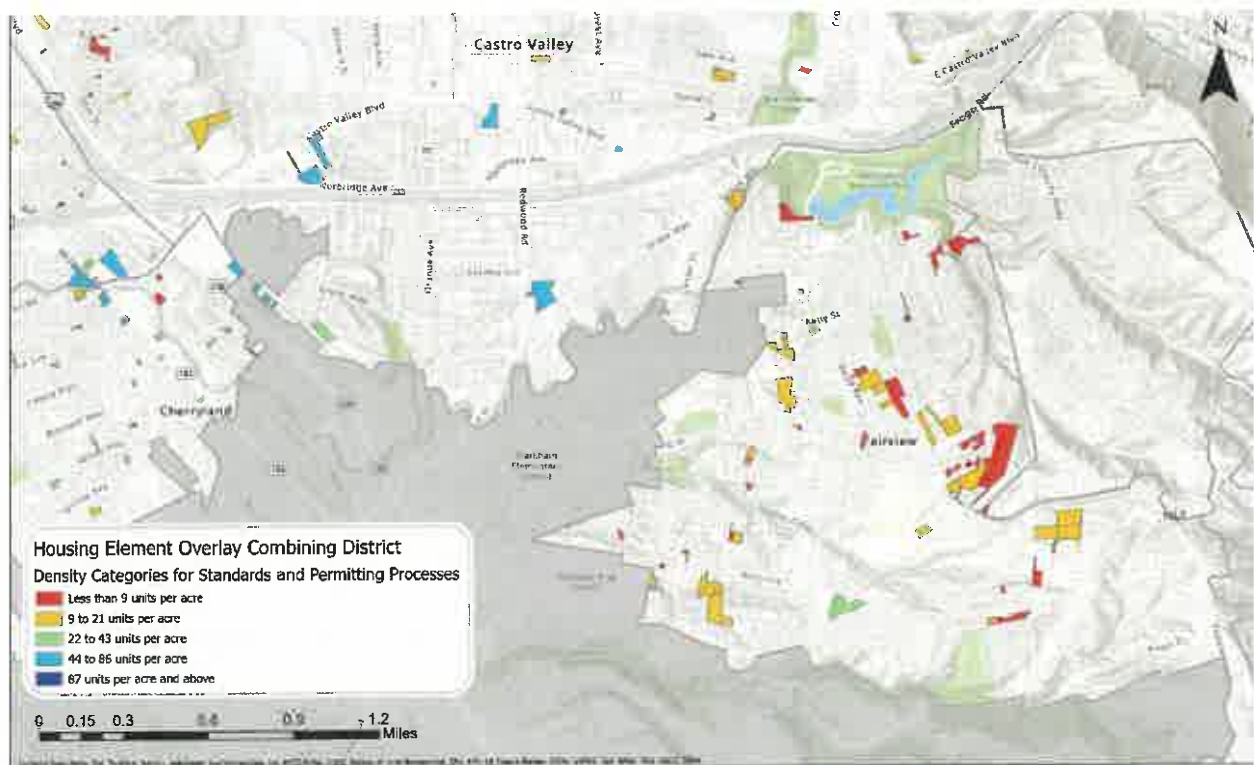


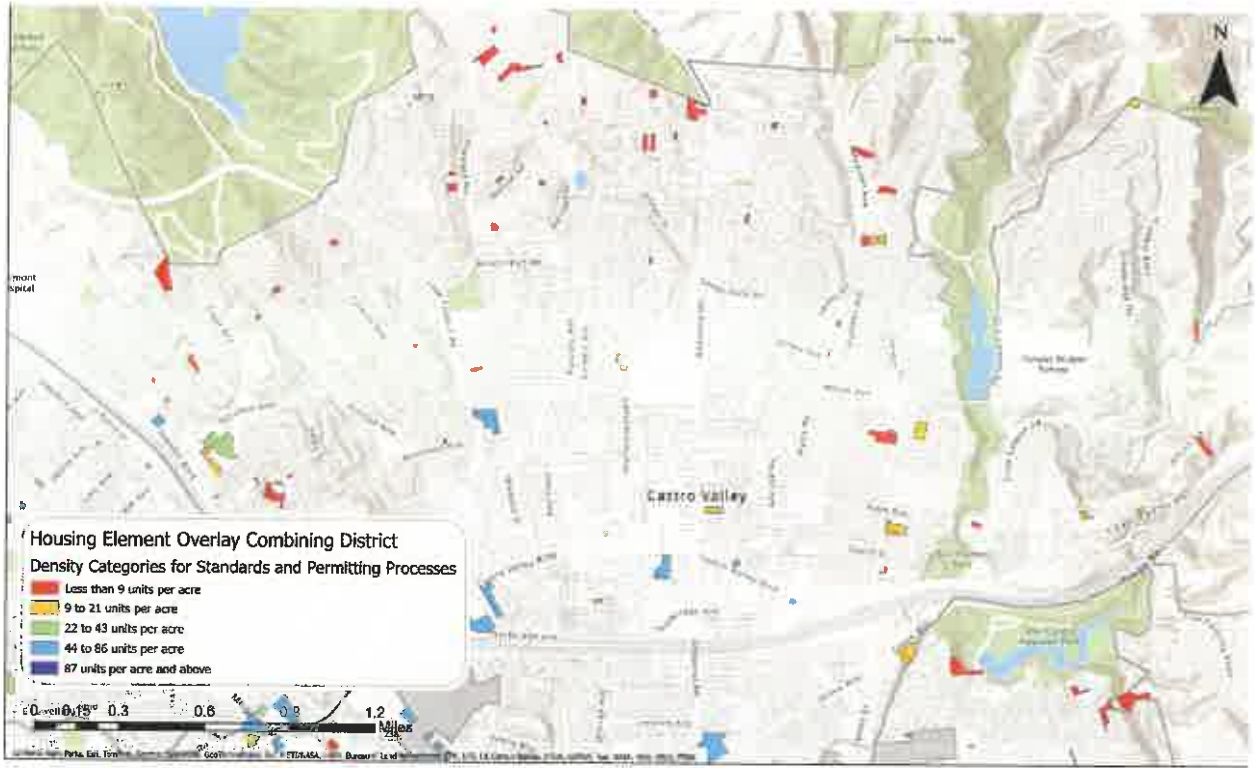


Section VI
Housing Element Overlay Combining District Map

The following Housing Element Overlay Combining District Map is created pursuant to Section 17.31.030 of the Zoning Ordinance:







Section VII
Effective Date

This Ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it 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 ____ day of _____, 202_, by the following called vote:

AYES:

NOES:

EXCUSED:

ABSTAINED:

President of the Board of Supervisors

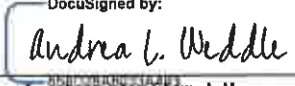
ATTEST:

Anika Campbell-Belton,
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM:

DONNA R. ZIEGLER, COUNTY COUNSEL

By:  _____
Andrea L. Weddle
Chief Assistant County Counsel

**ATTACHMENT 3
MUNICIPAL ADVISORY COUNCIL AND PLANNING COMMISSION
ACTIONS & COMMENTS**

November 7, 2024 Fairview MAC Meeting

The MAC voted unanimously to reject the Draft Housing Element and recommend that the Board of Supervisors not approve the Housing Element or proposed amendments to the Fairview Specific Plan.

Comments Received:

- Too many housing units assigned to Fairview relative to its size
- Traffic safety and crime not adequately addressed
- Objected to disregard for existing standards in the FASP
- Safety/Access not adequately addressed
- Emergency vehicle access/egress – evacuation
- Insufficient parking would be required for new units
- EBMUD capacity is insufficient
- Policing of private streets is inadequate
- Concerns about insufficient water pressure to fight fires
- Concerns that new housing would exacerbate fire hazards

November 12th Castro Valley MAC Meeting

The MAC voted unanimously to reject the Draft Housing Element and recommend that the Board of Supervisors not approve the Housing Element or proposed amendments to the General or Specific Plan or Zoning Ordinance.

MAC Member Comments:

- Noted that the state should consider unincorporated communities individually instead of the unincorporated area as a whole.
- Opposed the potential for 100% residential uses on properties within the CBD listed on the sites inventory.
- Voiced concern about lack of infrastructure and utility capacity to serve new housing.
- Expressed concern about impacts of new housing on schools, public safety, and roads.
- Noted that the housing element process feels like a blanket approach and higher density alone doesn't provide low-income housing.

Public Comments Received:

- Stated concerns about negative impacts on schools, teachers, and students.
- Expressed concern about the potential use of eminent domain to acquire housing sites.
- Noted that more housing would not impact housing costs because investors own much of the housing stock.
- Expressed concern about the impact of new higher density housing on infrastructure, services, and parks.
- Noted that the housing element process is developer driven and state laws need to be changed.
- Objected to ministerial approval of housing development applications.
- Questioned building more housing in northern Castro Valley when the insurance on existing homes is being cancelled due to fire danger.
- Suggested including more ADUs in sites inventory.

November 12th Eden Area MAC Meeting

The MAC voted to reject the Draft Housing Element and recommend that the Board of Supervisors not approve the Housing Element or proposed amendments to the General or Specific Plans, or Zoning Ordinance.

MAC Comments Received:

- Support for contributing to affordable housing stock and concern over the density-based 'low and very low income' sites throughout the Eden Area
- Concern about lack of community input through streamlining and the ministerial approval process
- Objected to editing existing documents and lack of holistic approach in Housing Element
- Concern over parks, trees, and the tension between competing land uses
- Concerns over traffic, parking and resources for residents
- Desire for County employees to spend time seeking funding for infrastructure improvements
- Concerned about the possible lack of commercial in the San Lorenzo Village, at Cherryland Place, and elsewhere.
- Concern over the idea of apartments being built next to houses

Public Comments Received

- Concern about loss of commercial sites and how this will impact San Lorenzo Village
- Specific concern about site at the corner of Bockman Road and Via Chiquita
- Specific concern about sites at Via Enrico and Washington Ave
- Expressed concern about the impact of new higher density housing on infrastructure, services, and parks.
- Desire for county to fight state on RHNA and housing laws
- Concern about traffic, specifically near Ashland and Ano Aves.
- Objected to ministerial approval of housing development applications.
- General concern about apartments being built next to houses

November 18th Planning Commission Meeting

The Planning Commission voted 4 to 3 to not approve the Draft Housing Element due to a lack of accuracy in the document, a lack of transparency during the preparation of the document, and because the Element was rejected by all three MACs.

Planning Commissioner Comments:

- Discussion of the proposed parking standards for the Housing Element Zoning Overlay
- Discussion of wildfire safety
- Discussion of the potential consequences of not having a certified housing element
- Questioned the state requirements for ministerial approval
- The housing element process should start over and the communities should be more involved.
- Suggested including sites on the inventory over the objections of the property owners
- The housing element process lacked accuracy and transparency, and county residents are being extorted.
- The Government Constraints analysis should specifically name the Planning, Building, Environmental Health, and Fire Departments as constraints to housing development.
- The buffer in the sites inventory is too large.

- Mobile home park sites should be listed in the sites inventory as they could be developed at a higher density.
- The County would be better off if the courts took over the Planning Department.

Public Comments Received

- Objections to proposed changes to adopted specific plans
- Objections to concentrating low and extremely low income sites in high poverty areas and replacing commercial development with housing
- Concerns regarding a lack of infrastructure capacity
- Concerns that ministerial approval of housing developments will not allow for public input
- Opposition to the proposed parking requirements for the Housing Element Zoning Overlay
- Opposition to the proposed rezonings
- Objections to the potential loss of the commercial site in Fairview
- Concerns regarding construction of housing in high fire hazard areas and the adequacy of evacuation routes



Adoption of the Sixth Cycle Housing Element and General Plan, Specific Plan, and Zoning Ordinance Amendments

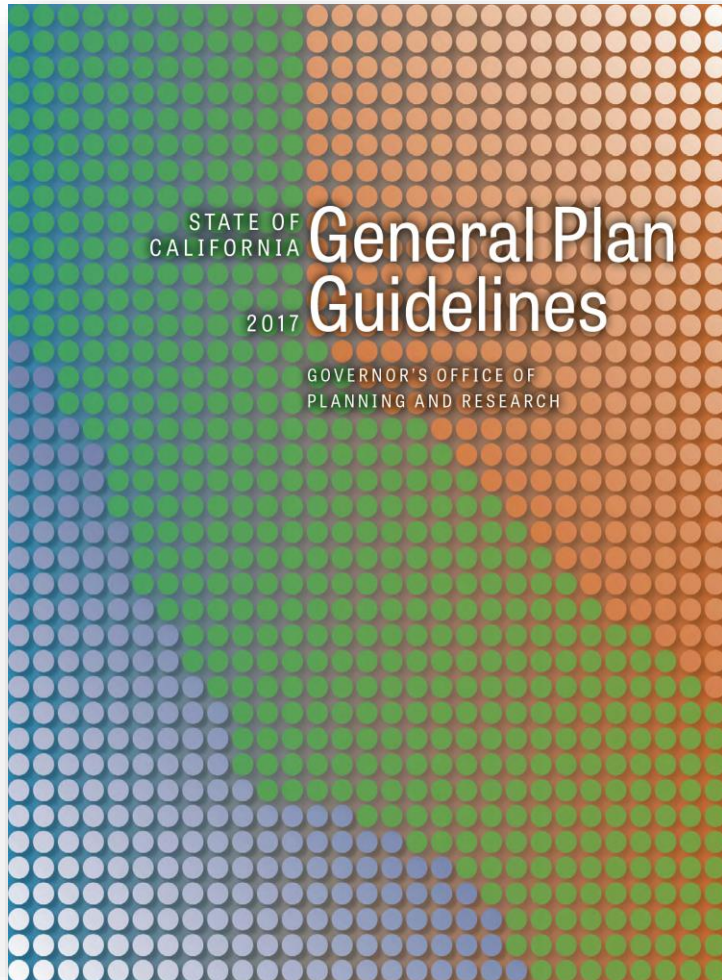
Board of Supervisors - December 12, 2024



For Final Draft Housing Element, Maps and spreadsheet of Sites Inventory, links to agendas, and the Mitigated Negative Declaration:

<https://bit.ly/HEDraft2024>





General Plan Required by State Law

(Government Code Section 65300 et seq.)

Required Elements:

- Land Use
- Circulation
- **Housing** (Article 10.6. of California Gov't Code)
- Open Space
- Conservation
- Safety
- Noise
- Environmental Justice (separate element or integrate policies throughout other elements)



Relationship to Other General Plan Elements

- State law requires the Housing Element to be consistent with all other general plan elements.
- The Environmental Justice (EJ) Element was adopted by the Board of Supervisors in August 2024. Housing Element Program 7.D. commits to implementation of EJ Element policies and programs to help to ensure the addition of more housing in the identified EJ Priority Communities does not affect the quality of life or exacerbate existing issues with access to opportunity in these communities .
- State law requires the Safety Element to be updated on the same cycle as the Housing Element. The County's revised draft, currently under review by the Planning Commission, includes an analysis of evacuation routes for residential developments in hazard areas, as required by AB 747 and SB 99.



First Draft Housing Element Submittal

- **October 6, 2023** - County submitted Draft Housing Element to State HCD for 90-day review.
- **January 4, 2024** - County received HCD's comments and began revisions to address comments.

Second Draft Housing Element Submittal

- **May 10, 2024** - County submitted revised Draft Element to State HCD for 60-day review.
- **July 9, 2024** - County received HCD's comments and began revisions to address comments.

Third Draft Housing Element Submittal

- **September 30, 2024** - County submitted revised Draft Element to State HCD for up to 60-day review.
- **October 10, 2024** - County received comments on the third Draft Element and submitted revisions on October 21, 2024 to respond to comments.
- **November 7, 2024** - County received letter from HCD finding Element meets state statute.



Contents of the Draft Element

Section I

overview of the document and relevant regulations.

Section II

summary of the projected housing need

Section III

summarizes adequacy of available housing sites and housing resources

Section IV

Housing Plan - contains goals, policies, and actions related to housing in the County



Housing Element Appendices

A - Housing Needs Assessment

B - Sites Inventory and Methodology

C - Housing Constraints

D - Existing Programs Review

E - Public Participation Summaries

F - Affirmatively Furthering Fair Housing Assessment

G - Housing Resources



Housing Plan Goals

- 1 Accommodate a range of housing for people of all income levels in accordance with the County's Regional Housing Needs Allocation (RHNA).
- 2 Ensure a wide range of housing types to accommodate the housing needs of moderate- and lower-income residents and households.
- 3 Mitigate constraints to housing development and affordability.
- 4 Create housing opportunities for people with special needs.
- 5 Conserve and improve the existing housing stock to enhance quality of life and provide greater housing stability.
- 6 Ensure fair housing opportunity for all people without discrimination in accordance with state and federal law.
- 7 Minimize the adverse environmental impacts of housing and encourage sustainability measures.



Regional Housing Needs Allocation

State HCD identifies total number of units, across all income groups, for which the region must plan for the eight-year RHNA period (2023 to 2031).



ABAG collaborates with local governments and stakeholders to develop a formula to assign each community a share of the Bay Area's housing need.



Each local government must update Housing Element and zoning to show how it plans to accommodate its share of the regional need.

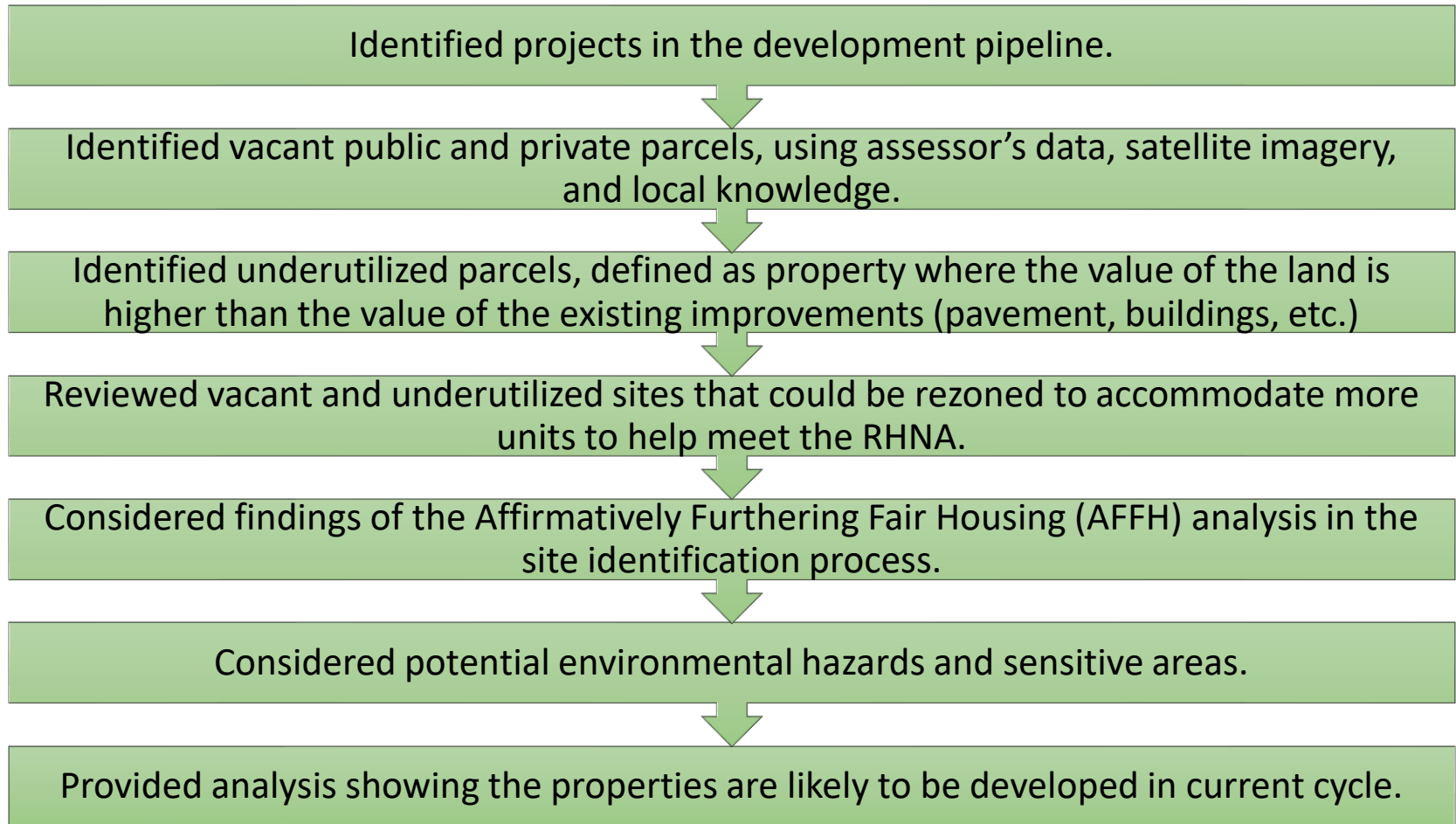


Unincorporated Alameda County Regional Housing Needs Allocation (RHNA)

Housing Element Cycle	Very Low Income (<50% of Area Median Income)	Low Income (50-80% of Area Median Income)	Moderate Income (80-120% of Area Median Income)	Above Moderate Income (>120% of Area Median Income)	Total Required Units
2015-2023	430 units	227 units	295 units	817 units	1,769
2023-2031	1,251 units	721 units	763 units	1,976 units	4,711
% Increase	191%	218%	159%	142%	166%



Methodology for Identifying Sites





Revisions to Support Housing Mobility

- State HCD's January 4th comment letter to the County indicated the need to increase housing mobility by expanding housing choices through the addition of unit capacity on sites in High Opportunity areas (much of northern Castro Valley) and lower density areas (Fairview and much of northern Castro Valley).
- To respond to the state's comment, staff has proposed rezoning some currently vacant residentially zoned parcels in Fairview and northern Castro Valley to allow up to 17 units per acre. Units at this density are considered above moderate-income housing.



Draft Sites Inventory Summary

- 527 total sites throughout Unincorporated Area
 - 103 parcels proposed for rezoning either to increase the density allowed or to add housing as an allowed use,
 - 24 parcels identified as underimproved,
 - 181 vacant parcels, and
 - 219 parcels with “pipeline” projects (application for a housing development has been submitted or has already been approved.)
- Distribution of Units
 - approximately 44.5% of units are in the Eden Area
 - approximately 32.9% of units are in Castro Valley
 - remainder of units are in Fairview and East County
- 427 ADUs counted toward meeting the RHNA



Estimated Sites Inventory Units

	Total Proposed Units	Above Moderate Income Units	Moderate Income Units	Low and Very Low Income Units
Total (no ADU projections)	5,124	2,407	766	1,951
Projected ADU count	427	42	128	257
Total (with ADUs)	5,551	2,449	894	2,208
RHNA	4,711	1,976	763	1,972
Unit Buffer				
<i># of Units over RHNA</i>	840	473	131	236
<i>% of RHNA</i>	17.8%	23.9%	17.2%	12.0%



No Net Loss Law

- No Net Loss Law is intended to ensure development opportunities remain available throughout the housing element cycle to accommodate a jurisdiction's RHNA.
- A jurisdiction must maintain adequate sites on its sites inventory to accommodate its remaining unmet RHNA by each income category at all times throughout the entire planning period.
- If a jurisdiction approves development of a sites inventory parcel with fewer units than shown in the Housing Element, it must either make findings that the Housing Element's remaining sites have sufficient capacity to accommodate the remaining unmet RHNA by each income level or identify an additional site or sites to accommodate the remaining unmet RHNA for each income category.
- To ensure the County continues to comply with the No Net Loss Law, a unit buffer, in addition to the number of units required by the RHNA, has been included in the sites inventory for each income level.
- Buffer sizes vary widely between jurisdictions. Examples provided in staff memo.



Major Sites on Sites Inventory

- **Bay Fair BART Station Parking Lot** - 448 estimated units
- **County Sheriff's Substation** at Foothill Boulevard and 150th Avenue, Castro Valley - 96 estimated units
- **Cherryland Place**, corner of Mission Blvd. and Hampton Rd. - 145 estimated units
- **First Presbyterian Church**, Grove Way, Castro Valley - 260 estimated units
- **Builders' Remedy Project**, East of Pleasanton - 445 units of senior housing added to the sites inventory as a "pipeline" project.



Proposed Amendments to General and Specific Plans

- Text and map changes necessary to increase the allowed residential density or to allow residential uses on parcels currently designated for only non-residential uses to accommodate the number of residential units estimated for parcels listed in the Housing Element Sites Inventory.
- Plans to be amended:
 - Castro Valley and Eden Area General Plans,
 - Ashland and Cherryland Business District Specific Plan
 - Castro Valley Central Business District Specific Plan
 - Fairview Area Specific Plan
 - San Lorenzo Village Center Specific Plan



Proposed Amendments to County Zoning Ordinance

- Change the residential density or allow residential uses on specified parcels listed in the Sites Inventory that are not located within a specific plan area. A table with a full list of the parcels proposed for rezoning is in the ordinance attached to the Board Letter.
- Add a new section to the Zoning Ordinance to establish standards for residential development within the Housing Element Zoning Districts, which apply to parcels listed in the Sites Inventory.



Housing Element Zoning Overlay Combining District

- HE District would be combined with the existing base zoning district on parcels listed on the Sites Inventory
- Intended to incentivize the production of housing at all income levels by providing a streamlined permitting process for development.
- Provides guidelines and approval procedures for the development and improvement of land.
- Table 1 in the draft text includes the applicable zoning standards, development standards, planning permit required, and procedure based on the density permitted by the applicable General Plan, Specific Plan and/or Zoning designations.



California Environmental Quality Act

- Initial Study (IS) found no substantial evidence that the proposed amendments will have a substantial effect on the environment.
- Based on the Initial Study, a Mitigated Negative Declaration (MND) was prepared.
- IS-MND was released for public review November 3, 2023 through December 4, 2023.
- Because of changes to the number and location of properties listed on the Sites Inventory, a revised IS-MND was prepared and recirculated for public review from September 13, 2024 through October 14, 2024.
- Recirculated IS-MND determined that the proposed project would not result in additional or substantially more severe impacts than those analyzed in the previous Draft IS-MND.



November 7th & 12th MAC Meetings

- **Actions:** The Castro Valley, Eden Area, and Fairview MACs voted to reject the Draft Housing Element and recommend that the Board of Supervisors not approve the Housing Element or proposed amendments to the General Plan, Specific Plans, and Zoning Ordinance.
- **Comments Received:**
 - Primarily regarding potential impacts of new residential development on existing communities.
 - Commenters expressed concerns about the potential adverse effects the proposed housing could have on existing infrastructure, utilities, public services, including schools and parks; and public safety.
 - Summaries of the comments received at each MAC meeting are provided in Attachment 2 of the staff memo.



November 18th Planning Commission Meeting

- **Action:** The Planning Commission voted 4 to 3 to not approve the Draft Housing Element due to a lack of accuracy in the document, a lack of transparency during the preparation of the document, and because the Element was rejected by all three MACs.
- **Comments Received:**
 - Some of the commissioners questioned the accuracy of the Draft Housing Element and the preparation process.
 - Some commissioners suggested that the current draft should be discarded and the process restarted.
 - A summary of the comments received at the Planning Commission meeting is provided in Attachment 2.



December 2nd Board Transportation/ Planning Committee Meeting

- The Transportation/Planning Committee held an informational meeting to hear a staff presentation and take input from the public.
- Most of the public testimony was from the Fairview community related to concerns about land use changes (rezonings) on specific sites and the process for approving projects.
- There were other general comments mostly critical of the document, with one speaker in support of the project.
- Staff responded to questions from the Supervisor and explained next steps to receive State certification by the end of 2024.



Community Engagement during Housing Element Preparation

- 30 meetings before County advisory and decision-making bodies to present project and request input from public and decision-makers.
 - Castro Valley, Eden Area, and Fairview MACs
 - Agricultural Advisory Committee
 - Planning Commission
 - Board Unincorporated Services Committee



Community Engagement during Housing Element Preparation

- Other Outreach
 - Dedicated website & project email
 - Listserv with over 1,000 emails received notices for meetings and document releases (sent 21 notices just in the past year)
 - Posted notices on NextDoor
 - Virtual Office Hours with County staff
 - Virtual Workshop with Sites Inventory Property Owners
 - Direct outreach to school districts and utility providers
 - Presentations at 2 meetings of the Ashland Cherryland Healthy Communities Collaborative (ACHCC)
 - Interviews with various community organizations.
 - Online housing needs survey offered in Spanish and English on the County website.



Changes in response to public comments throughout review process

- Necessary to balance input from community members with the review and direction provided by State HCD, particularly as the State review concludes.
- Where community concerns directly conflicted with State requirements, Staff was not able to be as responsive, but there have been changes made.



Changes to Sites Inventory

- Sites were added or removed at property owners' request.
- In response to public comments, between December 2023 and May 2024, several commercial sites in Castro Valley, Ashland and San Lorenzo were removed from the sites inventory to address a concentration of sites in these communities.
- Not all community requests to remove sites could be accommodated and still fulfill RHNA at all income levels or maintain opportunities for housing mobility.



Proposed Amendments to Sites Inventory

- **5 parcels on church property were removed by request of the property owner.**

084B-0550-001-01	2974 Somerset Ave
084B-0553-001-04	19628 Lake Chabot Rd
084B-0553-014-03	2964 Somerset Ave
084B-0553-016-00	19672 Lake Chabot Rd
084B-0553-001-06	19634 Lake Chabot Rd

- **1 parcel on Bartlett Ave. was added in by request of the property owner.**

412 -0087-078-00	705 Bartlett Avenue
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Changes to Programs

The following programs were added in response to community concerns about the density of lower income units in the Eden Area:

- Program 6.O: Renter Protections
- Program 6.P: Additional Housing Opportunities Near Transit
- Program 6.Q: Housing Mobility Program
- Program 7.D: EJ Element Implementation
- Program 7.E: Park Permitting
- Program 7.F: Place Based Improvements (*focused on low resource areas*): Capital Improvement Plan



Response to comments in opposition to permit streamlining

- Staff heard many concerns about the proposed process for reviewing and approving projects, mostly by Fairview residents.
- Proposed amendment to the Housing Element Overlay Zone:
 - Would allow for a discretionary permit (Site Development Review) in lieu of ministerial review, for projects in the Above Moderate income category and in the 9-21 units/acre category (see Overlay section 17.31.050).
 - This change would allow community review and a maximum of two hearings at a Municipal Advisory Council, depending on the location.
 - State law requires ministerial approval of projects at higher densities.



Proposed amendment to 17.31.050 - Review Process and Procedure

Table 1

Density as Units/Acre	Zoning District Applicability	Development Standards and Objective Design Standards	Planning Permit Required	Procedure
Below 9 Units/Acre	Any parcel based on the R-1 zone, or any parcel in the Overlay where the expected capacity is 1 unit.	Applicable base single-family zoning, including minimum lot size, <u>coverage</u> and floor area limitations. Follow base zoning and/or <u>specific plan requirements</u>	None	Ministerial
9-21 Units/Acre	R-9-HE ACBD-R1 R1 RSL-CSU-RV CVCBD-CVBD-S11W PD-2226 R1 R2-BE RS-D3 RS-SU RSL-17-HE FA-17-HE PD-1408 PD-2166 RS-D20	Follow applicable Zoning District for Development Standards and Complete Objective Design Standards Checklist for 9-21 Units/Acre	Compliance with <u>Zoning Standards and Objective Design Standards Checklist</u>	Ministerial – with limit of 2 hearings at <u>Municipal Advisory Councils</u>
			Site Development Review if <u>not in and compliance with Zoning and Objective Design Standards</u>	Discretionary – with limit of 2 hearings at <u>Municipal Advisory Council</u>



Consequences of not having a Certified Housing Element

Loss of eligibility for state and regional grants

One Bay Area Grants (OBAG)

- \$9.21 million OBAG 3 grant for San Lorenzo Creekway Trail at risk if Element not certified by end of year.
- County will not be eligible for future grant cycles without a certified Housing Element.

Alameda County Transportation Commission Active Transportation Program

- ACPWA and the Public Health applied for approximately \$999,000 this summer

MTC Transit Oriented Communities (TOC) Grant

- Applications submitted on November 22, 2024, for approximately \$2 million in grants to prepare for TOC compliance, required for future OBAG eligibility. Must have certified Housing Element when awards are announced (February 2025)

Homelessness Funding

- Homeless Housing, Assistance and Prevention (HHAP-5) Funding
- Homekey+ Program to provide Permanent Supportive Housing for individuals who are homeless and who are also living with a Behavioral Health Challenge. Applications accepted starting in January 2025.



Consequences of not having a Certified Housing Element

Litigation from State HCD, housing advocates, or developers

- Mandatory compliance – The court may order the county to bring the Element into compliance within 120 days or may appoint an agent to bring the Housing Element into compliance.
- Financial penalties through court-issued judgements (up to \$100,000 per month) if County fails to comply
- Suspension of authority to issue building permits or grant zoning changes, variances or subdivision map approvals.
- Court approval of housing developments
- Potentially responsible for plaintiff's attorneys' fees

Potential “Builders’ Remedy” projects

- Housing Accountability Act (Government Code Section 65589.51) requires a local jurisdiction that does not have a compliant housing element to approve housing developments with 20 percent of the total units available to lower income households or with all units available for moderate- or middle-income households, regardless of zoning.



Next Steps

December 12 - Board Planning Meeting
Consider approval of Housing Element, GPAs, and
1st reading of ordinance amendments

December 17 – Regular Board Meeting
2nd reading of ordinance amendments

County Submits Adopted Housing Element to
State HCD.

State HCD certifies Housing Element.



For more information:

- Project Webpage to view documents, find more information, and sign up for listserv:
<https://www.acgov.org/cda/planning/housing-element/housing-element.htm>
- Project email to ask questions and submit comments:
housing.element@acgov.org.