



SECOND READING - CONTINUED FROM 12/12/24

ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

P L A N N I N G D E P A R T M E N T

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Agenda Item # 4
December 12, 2024

December 5, 2024

Honorable Board of Supervisors
Administration Building
1221 Oak Street, Suite 536
Oakland, CA 94612

Dear Board Members:

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

September 21, 2023, to comply with the 30-day public review requirement in state law. Staff also presented the draft to the Castro Valley, Eden Area, and Fairview Municipal Advisory Councils (MACs), the Agricultural Advisory Committee, the Board Unincorporated Services Committee, and the Planning Commission, and held a public workshop to receive comments on the draft prior to the September 21st Board meeting. Staff submitted the first Public Review Draft to State HCD on October 6, 2023, and on January 4, 2024, received a letter from HCD containing comments on the October 6th draft.

After revising the Draft Housing Element to address the state's January 4th comments, presenting the revised draft to the Castro Valley, Eden Area, and Fairview MACs at a joint meeting on March 21, 2024; and posting the revised draft on the Planning Department website for public review from April 19 to May 3, 2024, as required by state law, staff submitted the Second Draft Element to State HCD on May 10, 2024 for a 60-day review period and received comments from the state on the revised draft on July 9, 2024. On October 10, 2024, after again revising the Draft Element to address the state's July 9th comments, presenting the revised Element to the Castro Valley, Eden Area, and Fairview MACs, and the Planning Commission; and posting the revised draft on the Planning Department website for public review from August 16 to September 23, 2024, as required by state law, staff submitted the Third Draft Element, containing revisions to address the state's July 9th comments.

After receiving verbal confirmation from State HCD that the proposed revisions adequately addressed the October 10th comments, the final draft of the Housing Element was posted on the Planning Department webpage (<http://www.acgov.org/cda/planning/housing-element/housing-element.htm>) for a seven-day public review period, from October 30th to November 6th, as required by state law. On November 7, 2024, the County received a letter from State HCD finding that the Draft Housing Element meets state statute, allowing the County to proceed with approval of the document followed by certification by State HCD. Between November 7th and November 18th, staff presented the Final Draft to the Fairview, Eden Area, and Castro Valley MACs and the Planning Commission. More information about these meetings and the community outreach process during the preparation of the housing element is provided later in this letter. The Final Draft Housing Element is available at: <https://bit.ly/HEDraft2024>.

If your Board approves the Draft Housing Element and proposed text and map amendments to various General Plan and Specific Plan documents and conducts the first reading of the ordinance amending the County Zoning Ordinance to implement the Housing Element on December 10th, 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.

DISCUSSION/SUMMARY:

The Draft Housing Element was prepared in accordance with state law and State HCD guidelines for the 6th Housing Element Cycle, incorporating additional considerations required under recent state housing-related legislation. Section I of the draft Housing Element provides an overview of the document and relevant regulation. Section II provides a summary of the projected housing need. Section III summarizes the adequacy of available housing sites and housing resources with reference to relevant appendices. Section IV contains goals, policies, and actions related to housing in Alameda County. The comprehensive research and analysis supporting the development of the goals, policies, and programs in Section IV are compiled in the appendices to the Housing Element.

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 Area Median Income)</i>	<i>Low Income (50-80% of Area Median Income)</i>	<i>Moderate Income (80-120% of Area Median Income)</i>	<i>Above Moderate Income (>120% of Area Median Income)</i>	<i>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.

Buffer Percentage included in Housing Element Sites Inventory by Income Category			
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:

Sandra Rivera

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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

ORDINANCE NO. 2024-41

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	Site Development Review and compliance with Zoning and Objective Design Standards.	Discretionary – with limit of 2 hearings at Municipal Advisory Council
			Compliance with Zoning and Objective Design Standards Checklist	Ministerial - with limit of 2 hearings at Municipal Advisory Councils
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	Site Development Review if not in compliance	Discretionary - with limit of 2 hearings at Municipal Advisory Council
			Compliance with Zoning and Objective Design Standards Checklist	Ministerial - with limit of 2 hearings at Municipal Advisory Councils

	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	Site Development Review if not in compliance Compliance with Zoning and Chapter 8 of Residential Design Standards and Guidelines	Discretionary -with limit of 2 hearings at Municipal Advisory Council Ministerial with limit of 1 hearing at Municipal Advisory Councils
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	Site Development Review if not in compliance	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 f 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
Multiple residence	R-4 districts	Chapter 17.16

Name of District	Designated As:	Chapter or Section Number
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>
<u>Residential Suburban 22</u>	<u>RS-22-HE</u>	<u>Section 17.31.220</u>

Name of District	Designated As:	Chapter or Section Number
<u>Medium High Density Residential 43</u>	<u>MHDR-43-HE</u>	<u>Section 17.31.230</u>
<u>High Density Residential 86</u>	<u>HDR-86-HE</u>	<u>Section 17.31.240</u>
<u>High Density Residential 100</u>	<u>HDR-100-HE</u>	<u>Section 17.31.250</u>
<u>Bay Fair Transit Area High Density Residential 125 General Commercial</u>	<u>BTA-HDR-125-GC-HE</u>	<u>Section 17.31.260</u>
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,	Residential Small Lot 17

		ZU-1566	(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)
411 -0091-002-00	1294 Bockman Road	Planned Development, ZU-1209	Medium High Density Residential 43 (MHDR-43-HE)
412 -0087-078-00	705 Bartlett Avenue	R-S-DV	High Density Residential 86 (HDR-86-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)
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-	20338 John Drive	RSL-CSU-RV	Residential Small Lot 17

03			(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	Dermoddy 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:

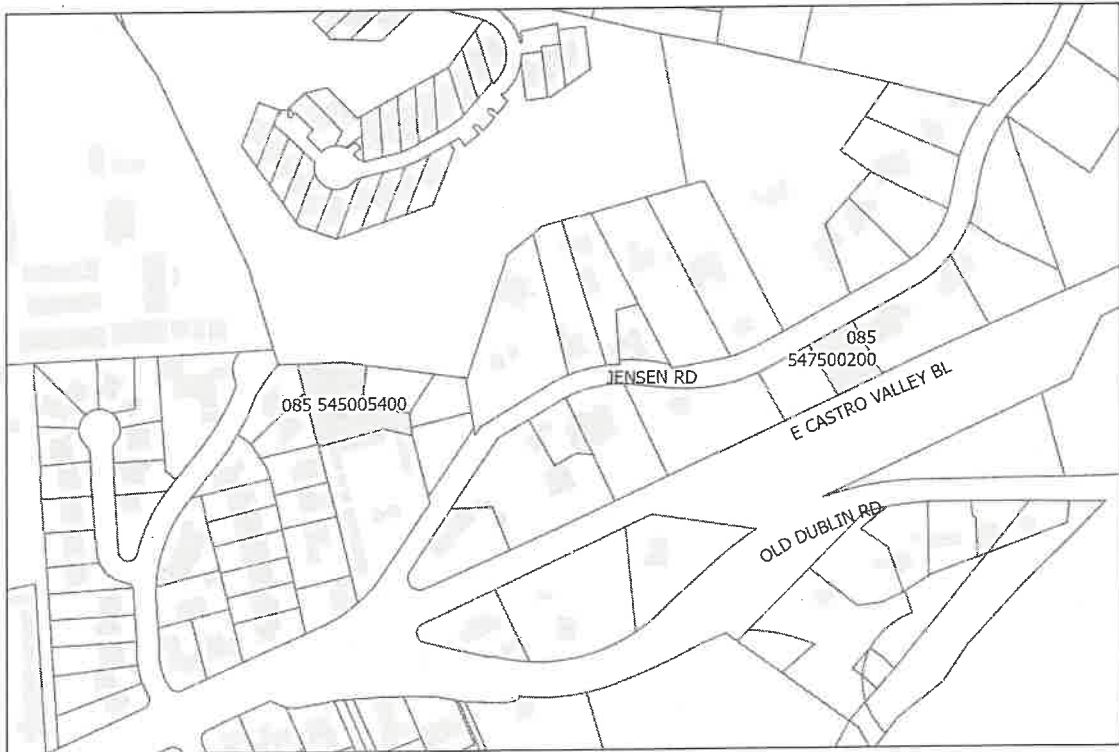












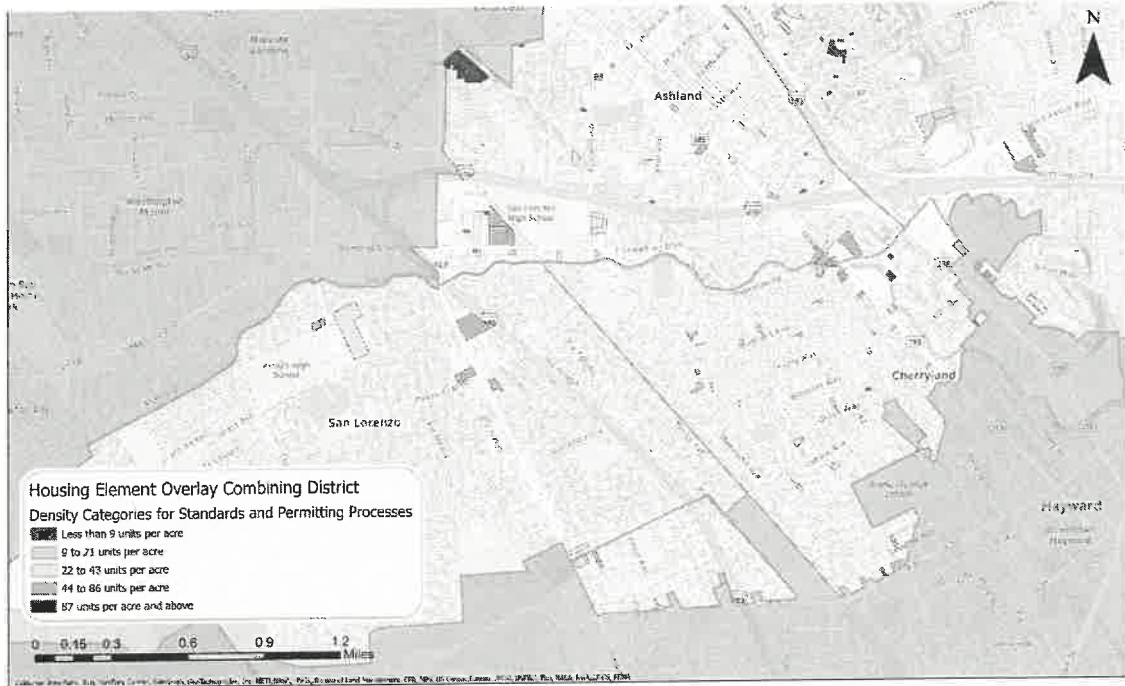
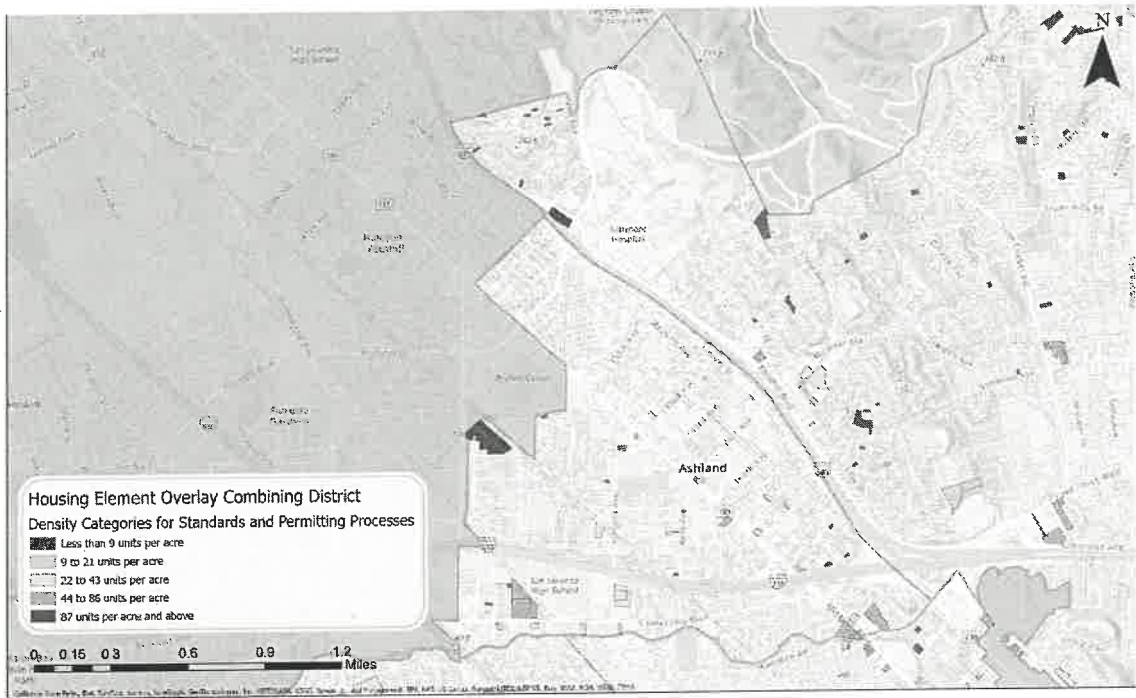


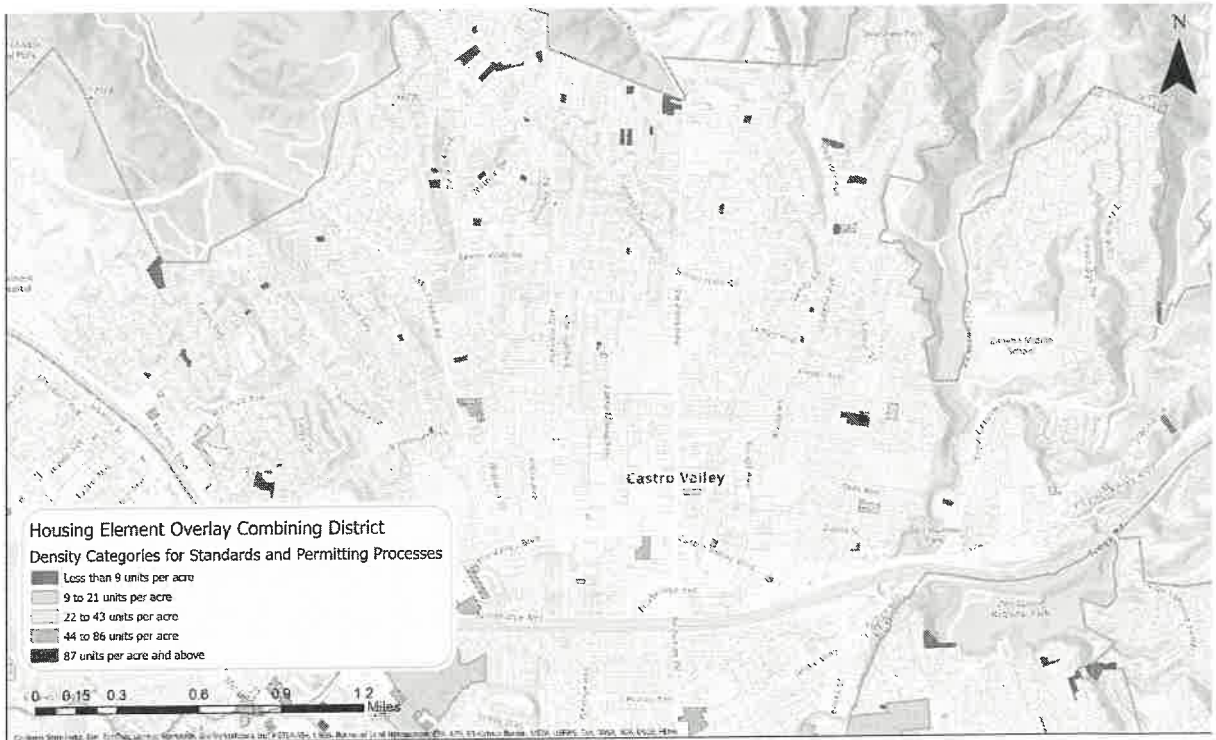
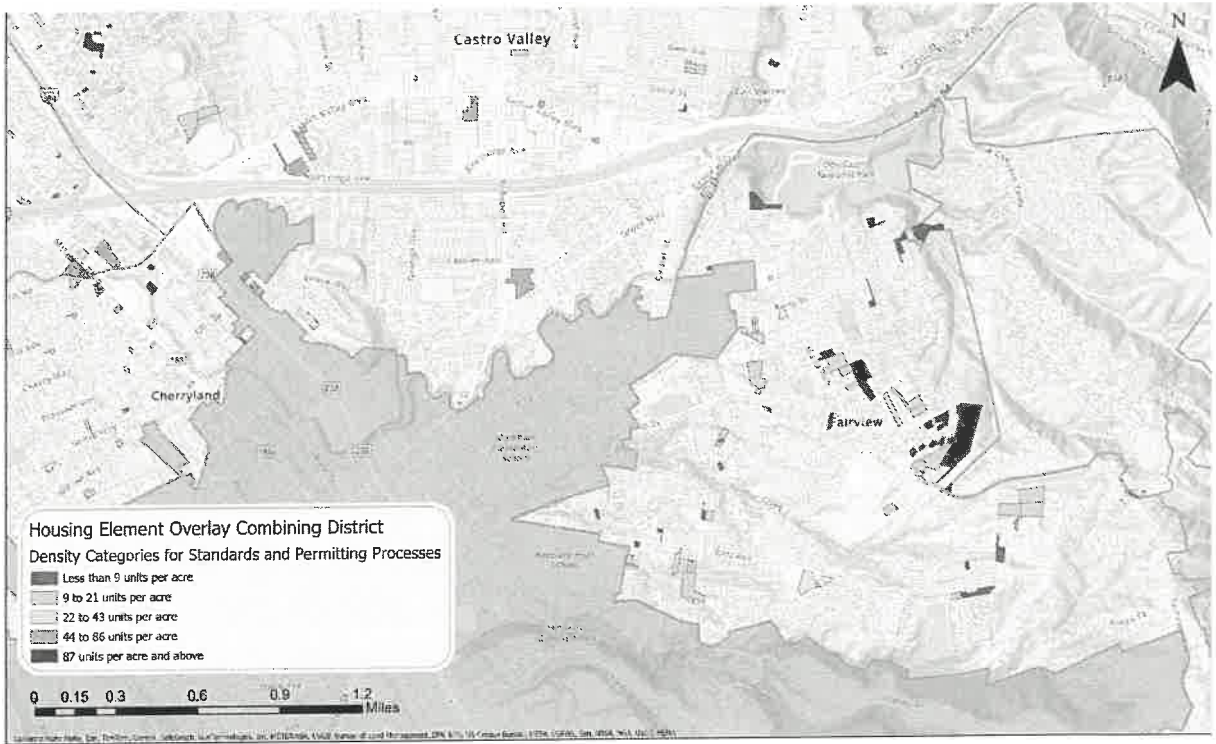




Section VI
Housing Element Overlay Combining District Map

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 17th day of December, 2024, by the following called vote:

AYES: Supervisors Carson, Márquez & Tam

NOES: President Miley

EXCUSED: Supervisor Haubert

ABSTAINED: None



President of the Board of Supervisors

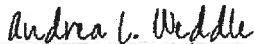
ATTEST:

Anika Campbell-Belton,
Clerk of the Board of Supervisors

By:  _____
Deputy Clerk

APPROVED AS TO FORM:

DONNA R. ZIEGLER, COUNTY COUNSEL

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