

**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 6<sup>th</sup> 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 6<sup>th</sup> 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	Discretionary -with limit of 2 hearings at Municipal Advisory Council
			Compliance with Zoning and Chapter 8 of Residential Design Standards and Guidelines	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 7<sup>th</sup> 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:

<b>Name of District</b>	<b>Designated As:</b>	<b>Chapter or Section Number</b>
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

<b>Name of District</b>	<b>Designated As:</b>	<b>Chapter or Section Number</b>
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 <sup>th</sup> 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	Dermody Avenue	R-S-D-15	Bay Fair Transit Area High Density Residential 125 General Commercial (BTA-HDR-125-GC-HE)
080D-0565-029-00	Wagner Street	R-S-D-15	Bay Fair Transit Area High Density Residential 125 General Commercial (BTA-HDR-125-GC-HE)
080D-0565-030-00	Wagner Street	R-S-D-15	Bay Fair Transit Area High Density Residential 125 General Commercial (BTA-HDR-125-GC-HE)
080D-0568-030-00	Wagner Street	R-S-D-15	Bay Fair Transit Area High Density Residential 125 General Commercial (BTA-HDR-125-GC-HE)
080D-0568-031-00	Wagner Street	R-S-D-15	Bay Fair Transit Area High Density Residential 125 General Commercial (BTA-HDR-125-GC-HE)
080A-0188-002-07	16290 Foothill Boulevard	Planned Development, ZU-PLN2013-00214	Neighborhood Commercial 60 (CN-60-HE)
412 -0022-007-02	879 Grant Avenue	R-1	Residential Suburban 22 (RS-22-HE)
416 -0040-044-00	2652 Vergil Court	SCV	Residential Low Medium Density 22 (RLM-22-HE)

**SECTION V**  
**Zoning Map Amendments**



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















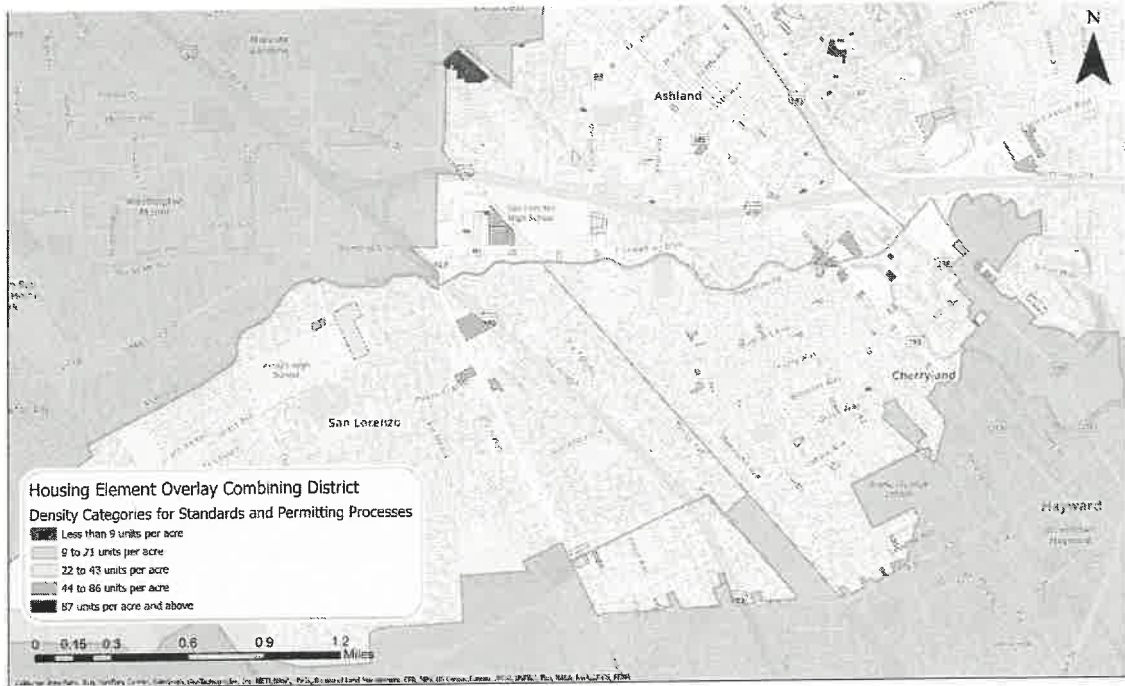
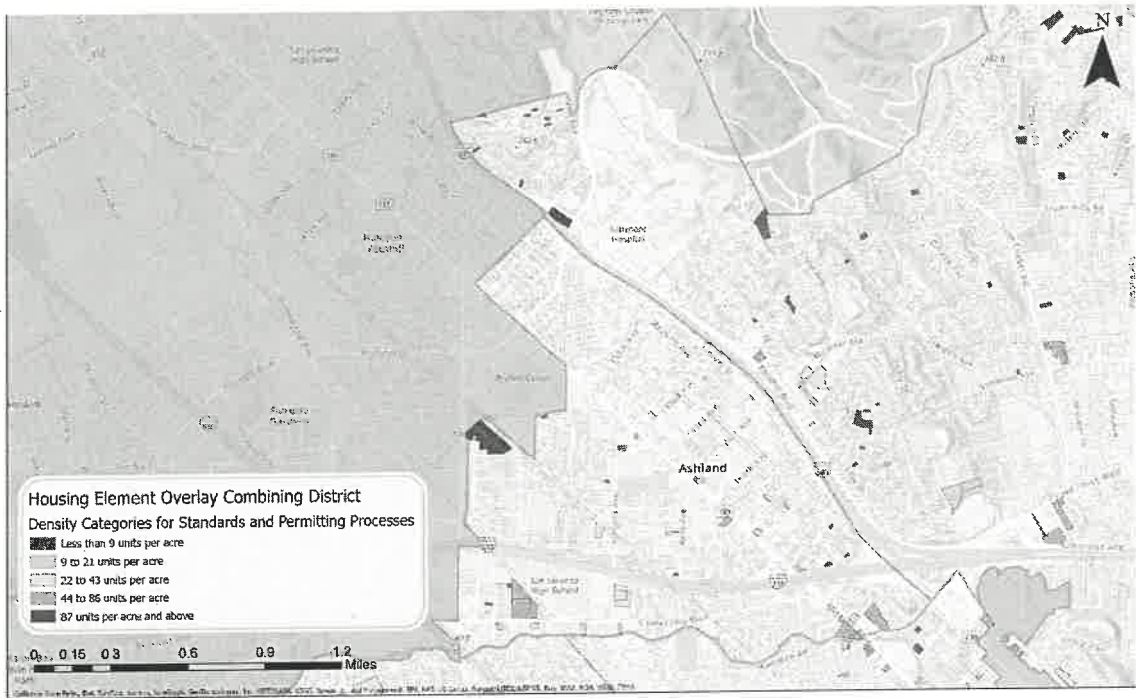


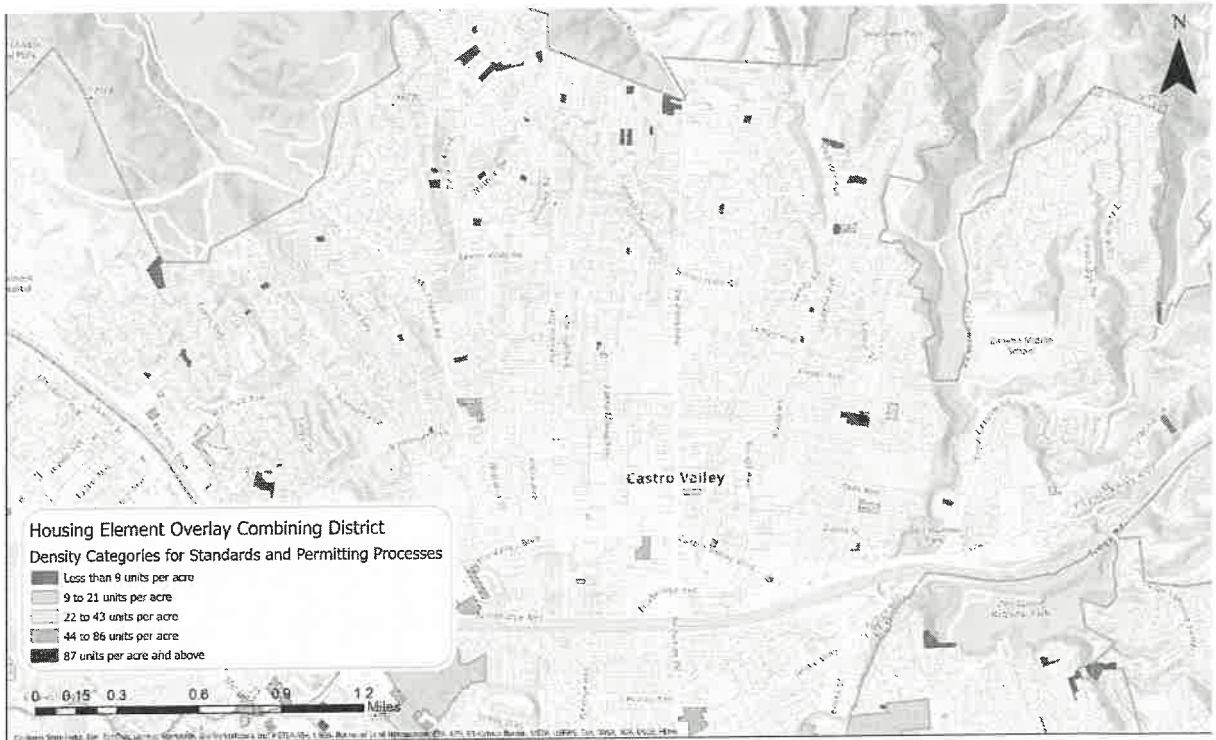
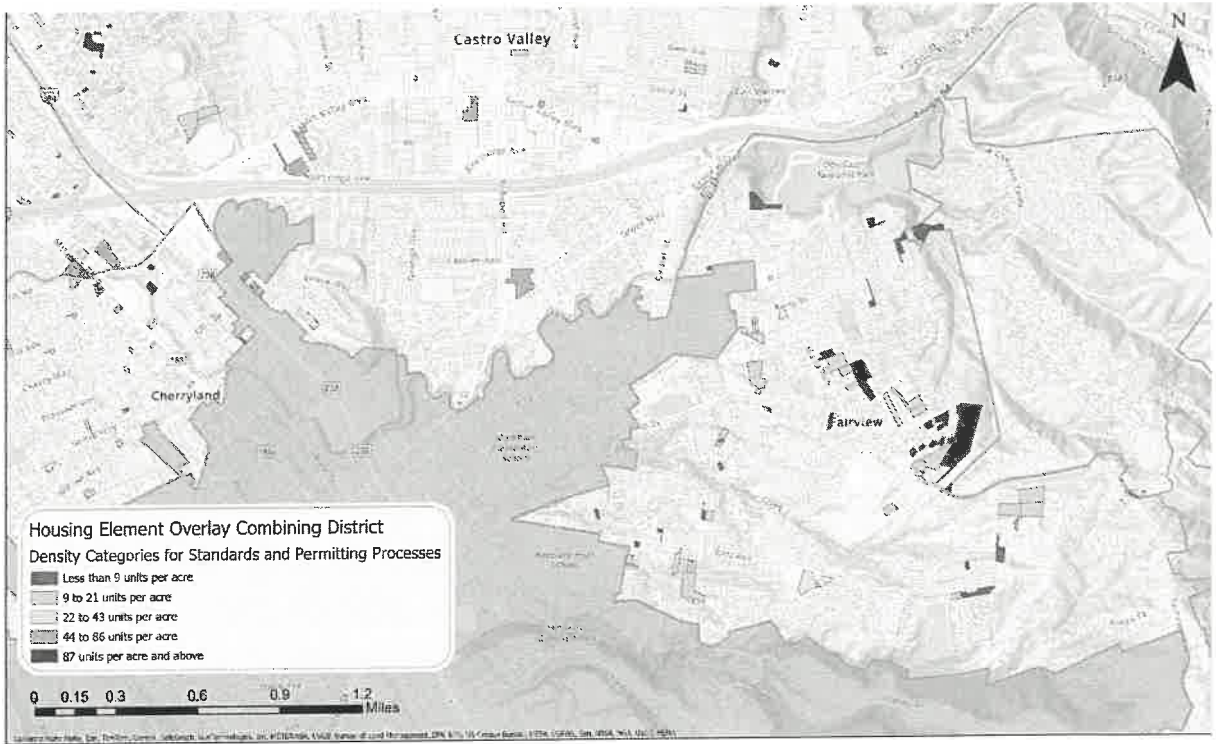




**Section VI**  
**Housing Element Overlay Combining District Map**

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





**Section VII**  
**Effective Date**

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

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

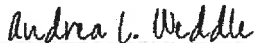
By: \_\_\_\_\_

  
Deputy Clerk

APPROVED AS TO FORM:

DONNA R. ZIEGLER, COUNTY COUNSEL

By: \_\_\_\_\_

DocuSigned by:  
  
Andrea L. Weddle  
Chief Assistant County Counsel