

# Appendix C: Housing Constraints

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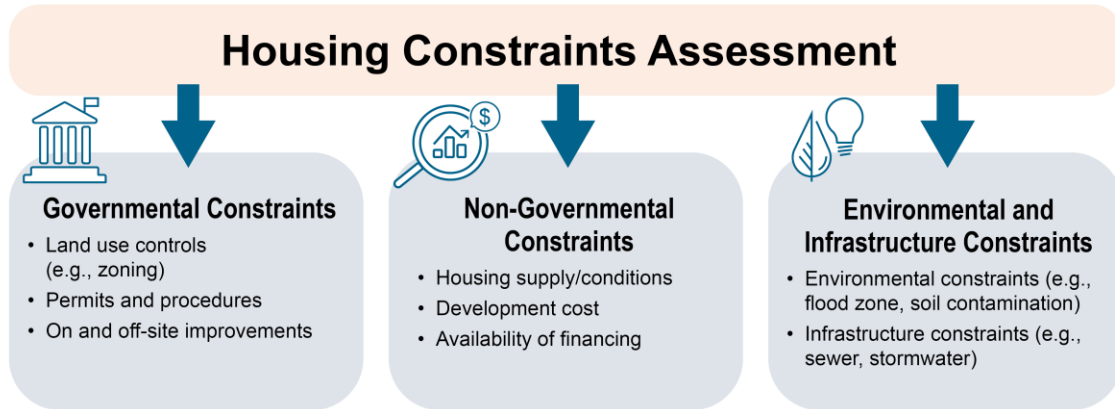
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## Section C.1 Introduction and Summary

### C.1.1 Introduction



This Appendix covers local governmental, non-governmental, environmental, and infrastructure constraints to housing production in Alameda County.



### C.1.2 Summary

County policies and regulations, such as the [Zoning Ordinance](#), as well as market factors outside of the County's control affect the quantity and type of residential development that occurs in Alameda County. The following summarizes key governmental and nongovernmental constraints to housing development as detailed in this Appendix.

- Base residential zoning districts (e.g., R-1, R-2, R-2, R-3) limit residential development to single-family homes or duplexes/triplexes.
- The lack of detail in the County's parking requirements could pose a constraint to the development of studio and 1 bedroom housing units by requiring 2 spaces for each unit.
- Due to various legislative updates, zoning provisions for certain residential uses are not consistent with State law (e.g., Low Barrier Navigation Centers, ADUs/JADUs).
- Specific Plans regulate land uses, parking, etc. in an inconsistent manner and in certain cases not compliant with State law.

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## Section C.2 Governmental Constraints

### C.2.1 Introduction

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Local policies and regulations can affect the quantity and type of residential development. Since governmental actions can constrain the development and the affordability of housing, State law requires the housing element to "address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (Government Code Section 65583(c)(3)).

The County's primary policies and regulations that affect residential development and housing affordability include: the Zoning Ordinance, Specific Plans, the General Plan/Area Plans, development processing procedures and fees, on and off-site improvement requirements, and the California Building and Housing Codes. In addition to a review of these policies and regulations, this Section includes an analysis of the governmental constraints on housing production for persons with disabilities.

### C.2.2 Land Use Controls

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This section provides an overview of the County's land use controls and their relation to the County's housing supply.

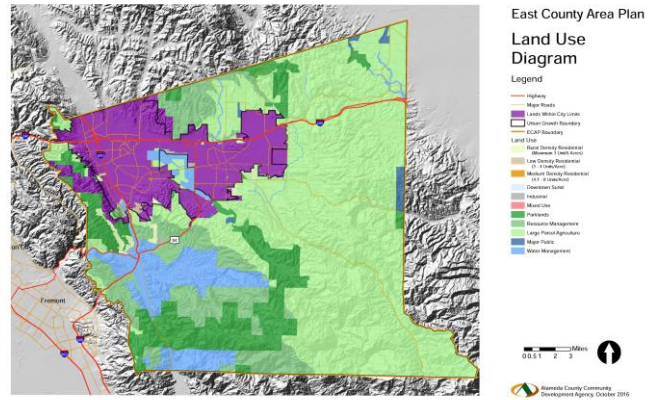
#### **General Plan Land Use Designations**

The Alameda County General Plan is comprised of several different documents, including countywide elements addressing housing, conservation, open space, noise, recreation, safety, scenic routes, and climate action. These documents generally govern the unincorporated portions of the County only, as the incorporated areas are covered by municipal General Plans for the County's 14 cities. Three "area plans" have been developed to address land use and transportation issues. These cover East County (the unincorporated areas around Dublin, Pleasanton, and Livermore), Eden Township, and Castro Valley.

#### **East County Area Plan (ECAP) (1994, amended 2000)**

The East County (formerly called the Livermore-Amador Valley Planning Unit) encompasses 418 square miles of eastern Alameda County and includes the cities of Dublin, Livermore, Pleasanton, and a portion of Hayward, as well as surrounding unincorporated areas. The Area Plan outlines goals, policies, and programs for land use, transportation, public services and facilities, and environmental health and safety.

The land use policies are designed to support goals that preserve open areas and agriculture, supply community facilities, produce housing, promote economic development, and promote compact communities that contain a diverse economic base, affordable housing, and a full complement of public facilities and amenities. The Amended ECAP included the implementation of the voter approved Urban Growth Boundary (UGB) as part of Measure D or the “Save Agriculture and Open Space Lands” Initiative. The Initiative also resulted in the addition, deletion, and revision of more than 60 policies and programs of the previously applicable ECAP, as well as establishment of and changes to the UGB and the Land Use Diagram.

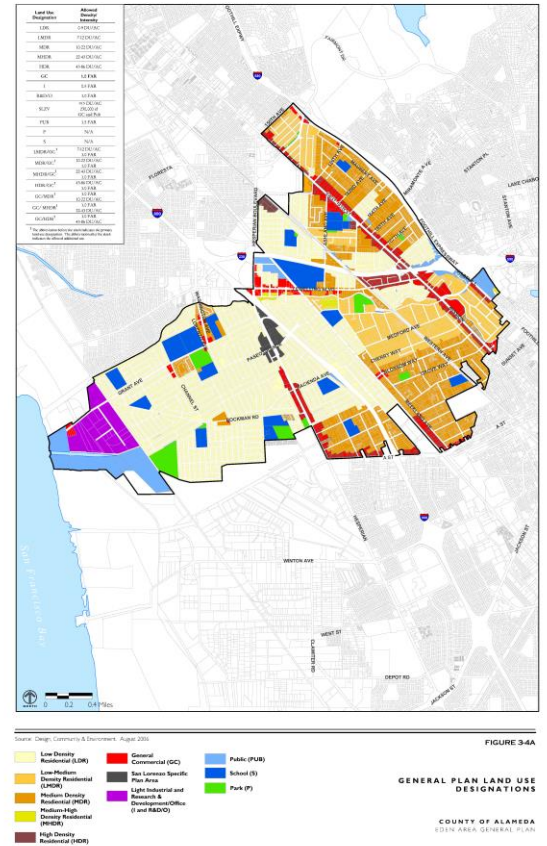


Source: Alameda County

### Eden Area Land Use Plan (2010)

The Eden Area General Plan serves as the County General Plan for unincorporated Eden Township, an area that includes the communities of Ashland, Cherryland, Hayward Acres, San Lorenzo, and Fairview. The largest period of growth in the Eden Area occurred during the post-WWII housing boom, and since then, residential, public, commercial, and industrial development has continued. Today, single-family residential is the predominant land use.

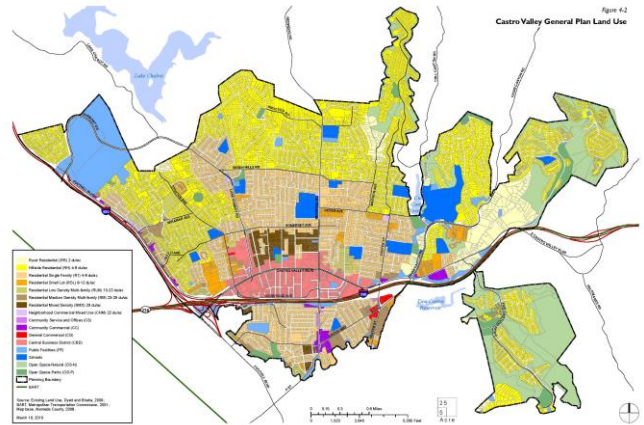
The Area Plan describes the Eden Area as a growing set of communities with interdependent economies that consist of large household sizes, a low median age, and a low median income. However, it also explains that the economy at the time was growing more slowly than the County overall, particularly in high technology, research and development, and other Bay Area economic activities. The Area Plan includes goals that seek to improve neighborhoods through transportation, infill development, expansion of the urban forest, and improvement of buildings in disrepair; transform corridors from features that divide the community into areas that bring people together in a safe, multi-modal environment of diverse mix of uses at higher densities; and create new districts that emphasize a pedestrian- and transit-oriented environment.



Source: Alameda County

**Castro Valley General Plan (2012)**

Castro Valley’s Planning Area encompasses 6,880 acres, with 54 percent devoted to residential uses, of which single-family residential accounts for about 3,000 acres. Commercial uses are concentrated along Castro Valley Boulevard, along Redwood Road and Grove Way, and in several neighborhood shopping centers. Public and quasi-public uses are spread throughout the area. Action items in the General Plan’s Land Use Element specify changes that need to be made to the existing Zoning Ordinance, Subdivision Code, and project review processes to implement the policies. Because new growth will happen through smaller infill development projects, the policies are detailed and specific to certain neighborhoods, districts, and building types. The overarching goal for land use and development is to continue to allow infill housing and add new retail, restaurants, services, and employment, while preserving and enhancing Castro Valley’s small-town character. The Castro Valley General Plan’s Land Use Element includes a land use plan and goals regarding residential development; civic uses and community facilities; economic development; professional-medical district; other commercial districts; and special planning areas. Furthermore, the Castro Valley General Plan establishes policies for the central business district that are further detailed in the Castro Valley Central Business District Specific Plan.



Source: Alameda County

The three plans described above include 30 land use designations that allow a range of residential development types (see Table C-1), at a variety of densities.

**Table C-1: General Plan Residential Land Use Designations**

Name	Description
<b>East County Area Plan</b>	
<b>Large Parcel Agriculture</b>	Applies to areas appropriate for low intensity agriculture, grazing, and related uses and certain residential uses. Typical residential uses include single family homes, farmworker housing, and related accessory buildings.
<b>Rural Density Residential</b>	Applies to areas appropriate for single family residential lots and related limited agricultural uses. Additionally, single family detached homes, secondary residential units, limited agricultural, public and quasi-public, and similar and compatible uses may be allowed.
<b>Low Density Residential</b>	Applies to areas appropriate for residential uses. Typical residential land uses include single family detached and attached homes, and secondary residential units. Additionally, certain public and quasi-public, limited agricultural, community and neighborhood commercial, neighborhood support, and similar and compatible uses may be allowed.
<b>Medium Density Residential</b>	Applies to areas appropriate for residential uses. Typical residential land uses include single family lots, single family detached and attached homes, multiple family residential units, and group quarters. Additionally, certain public and quasi-public, limited agricultural,

**Table C-1: General Plan Residential Land Use Designations**

Name	Description
	community and neighborhood commercial, neighborhood support, and similar and compatible uses may be allowed.
<b>Medium/High Density Residential</b>	Applies to areas appropriate for residential uses. Typical residential land uses include townhouses, single family detached and attached homes, multiple family residential units, and group quarters. Additionally, certain public and quasi-public, community and neighborhood commercial, neighborhood support, and similar and compatible uses may be allowed.
<b>High Density Residential</b>	Applies to areas appropriate for residential uses. Typical residential land uses include single family detached and attached homes, multiple family residential units (i.e., townhouses, condominiums, and apartment buildings), and group quarters. Additionally, certain public and quasi-public, community and neighborhood commercial, neighborhood support uses, and similar and compatible uses may be allowed.
<b>Very High Density Residential</b>	Applies to areas appropriate for residential uses. Typical residential land uses include single family attached homes, multiple family residential units (i.e., condominiums and apartment buildings), and group quarters. Additionally, certain public and quasi-public, community and neighborhood commercial, neighborhood support, and similar and compatible uses may be allowed.
<b>Mixed Use</b>	Applies for sites where the area is appropriate for a mix of residential, office, industrial, and general commercial uses. Certain office, light industrial, retail and wholesale commercial, high density residential, public and quasi-public, and similar and compatible uses may be allowed.
<b>Eden Area Land Use Plan</b>	
<b>Low Density Residential (LDR)</b>	Applies to areas appropriate for the development of single-family and detached housing units.
<b>Low-Medium Density Residential (LMDR)</b>	Applies to areas appropriate for a mix of residential uses. Typical residential land uses include single-family, detached housing, and duplexes and triplexes. Additionally, multi-unit and mobile home parks may be allowed.
<b>Medium Density Residential (MDR)</b>	Applies to areas appropriate for the development of a mix of single-family, duplex, triplex, townhouse. Additionally, mobile home parks may be allowed.
<b>Medium-High Density Residential (MHDR)</b>	Applies to areas appropriate for the development of townhouses and multi-family buildings.
<b>High Density Residential (HDR)</b>	Applies to areas appropriate for the development of highly urbanized residential uses. Typical residential uses include multi-family residential buildings.
<b>General Commercial (GC)</b>	Applies to areas appropriate for certain commercial uses. Additionally, residential uses as a secondary use may be allowed.
<b>Research and Development/Office (R&amp;D/O)</b>	Applies to areas appropriate for the live/work use.
<b>San Lorenzo Village Specific Plan Area (SLZVSPA)</b>	Applies to a mix of residential, commercial, and public and institutional uses allowed in the San Lorenzo Village Center Specific Plan. Typical residential uses include multi-family and mixed-use uses. Additionally, certain stores, public facilities, cultural, outdoor spaces and attractive streetscape environment uses may be allowed.
<b>School (S)</b>	Applies to lands that are intended as a school and the school district determines the area is no longer needed for educational purposes. The school district may allow applicable schools to be redeveloped as residential uses.
<b>Castro Valley General Plan</b>	
<b>Rural Residential</b>	Applies to areas appropriate for rural residential and agricultural uses. Typical residential uses include very low density, one-family detached housing. Additionally, certain

**Table C-1: General Plan Residential Land Use Designations**

Name	Description
	secondary residential uses related to agricultural uses (i.e., crops, orchards, and gardens, and limited animal-keeping) may be allowed.
<b>Hillside Residential</b>	Applies to areas suitable for residential uses in the vicinity of steep slopes and/or high fire hazard areas. Typical residential uses include single-family detached dwellings.
<b>Residential - Single Family</b>	Applies to areas appropriate for single-family dwellings and related accessory residential uses. Additionally, certain community facilities may be allowed.
<b>Residential - Small Lot</b>	Applies to areas appropriate for a mix of housing types on smaller subdivision lots. Typical residential land uses include single-family detached, duplexes, townhouses, and rowhouses.
<b>Residential - Low Density Multi-family</b>	Applies to areas appropriate for multi-family residential uses. Typical residential uses are townhouses.
<b>Residential - Medium Density Multifamily</b>	Applies to areas appropriate for multi-family residential uses. Typical residential uses include apartments and condominiums.
<b>Residential - Mixed Density</b>	Applies to areas appropriate for a mix of housing types near certain commercial uses. Typical residential uses include single-family dwellings, duplexes, townhomes, and two-story multi-family residential uses.
<b>Residential - Downtown Mixed Use</b>	Applies to the downtown area suitable for a mix of residential and commercial uses. Typical residential uses include multi-family homes. Additionally, certain commercial uses may be allowed.
<b>Residential - Downtown Low Density</b>	Applies to the downtown specific plan area suitable for residential uses. Typical residential uses include single-family detached dwellings and duplexes.
<b>Residential - Downtown Medium Density</b>	Applies to the downtown area suitable for a mix of residential housing types. Typical residential uses include townhouses, condominiums, and apartments.
<b>Schools</b>	Applies to publicly owned or operated educational facilities of all sizes, as well as school-related sites, serving all age groups. Sites designated as 'School' may also be developed as residential uses at a density comparable to surrounding uses if they are no longer needed for educational purposes
<b>Neighborhood Commercial</b>	Applies to areas where the primary purpose is for neighborhood serving retail and commercial service uses. Typical uses include convenience stores, small restaurants, hair salons, and fitness studios.
<b>Core Pedestrian Retail</b>	Applies to areas primarily appropriate for commercial uses and allows multi-family residential houses. Typical commercial uses include retail, service, offices, park, and parking uses.
<b>BART Transit Village</b>	Applies to areas adjacent to the Castro Valley BART station suitable for a mix of residential, office, retail, and parking structure uses.

Source: Alameda County

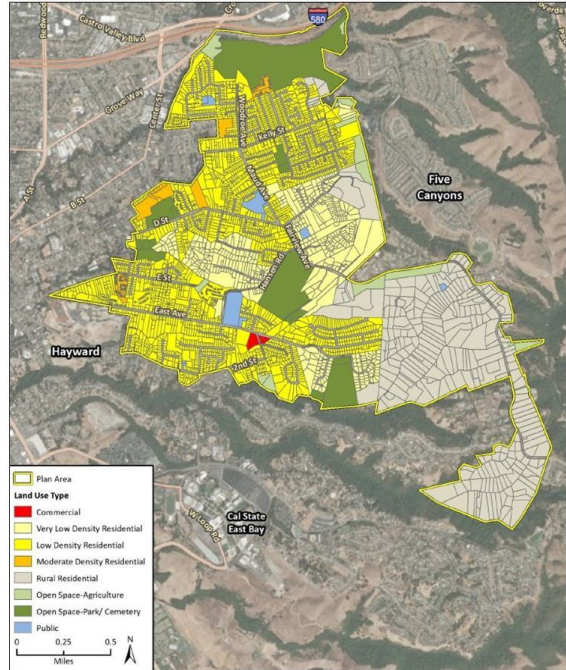
### Specific Plans

The County’s area plans explicitly defer to several Specific Plans where such plans have provided goals, policies, and zoning regulations tailored to their defined geographical area. Four Specific Plans are considered relevant for the 6<sup>th</sup> Cycle Housing Element and are described in greater detail below. Excluded from this section are the Little Valley Specific Plan (1997) and the Madison Area Specific Plan (2006). The Specific Plans included were selected due in part to their status as Census Designated Places (CDPs) within Alameda County by the U.S. Census Bureau.

**Fairview Specific Plan (1997, updated 2021)**

The unincorporated Community of Fairview is north and east of Hayward, south of Castro Valley, and west of Palomares Canyon. The Planning Area encompasses approximately 1,800 acres (2.8 square miles), almost all of which is within the Alameda County Urban Growth Boundary.

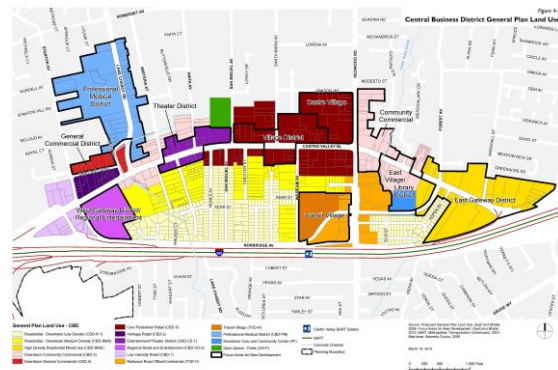
Although Fairview is served by the Eden Area General Plan, the Eden Area Plan explicitly defers to the Fairview Specific Plan as the source of “goals, policies, and zoning regulations that apply to this area.” In the past this created a policy gap, as the 1997 Specific Plan was structured as a regulatory document rather than a collection of policies included in the updated Specific Plan adopted in 2021. Land use regulations in the plan include a Land Use Map and definitions of land use categories. This chapter also addresses policies to preserve the natural environment, retain open space, reduce hazards, maintain neighborhood character, address traffic congestion and parking, and ensure quality community services.



Source: Alameda County

**Castro Valley Central Business District Specific Plan (1993, update in-progress)**

The Castro Valley Central Business District Specific Plan (CVBDSP), adopted in 1993, takes the general policies which the Castro Valley Plan establishes for the downtown commercial area of the community, expands on them, and puts them into regulatory form. Additionally, it provides for specific implementation measures and programs not included in the General Plan. The CVBDSP is guided by goals to make the Central Business District an attractive focal point of the community that promotes businesses, commerce, employment, multi-modal transportation, generates tax revenue, and conserves historic and natural resources. The CVBDSP identifies 11 subareas and outlines development objectives, allowed uses, and design policies for each.

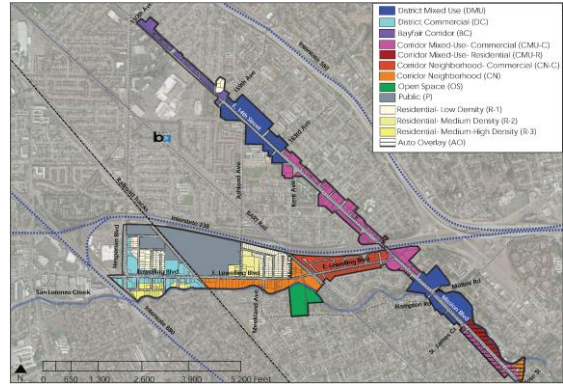


Source: Alameda County



### Ashland and Cherryland Business District Specific Plan (1993, updated 2015)

The Ashland and Cherryland Business District Specific Plan (ACBDSP) was adopted in December 2015 and most recently amended on May 8, 2018. Chapter 6 (Development Code) of the plan establishes the zoning standards that implement the ACBDSP and promotes the public health, safety, comfort, convenience, and general welfare of the community and implements the Eden Area General Plan. The Code in Chapter 6 applies to all subject property in the zoning map for land use activity, new development, and improvements/modifications of existing development.

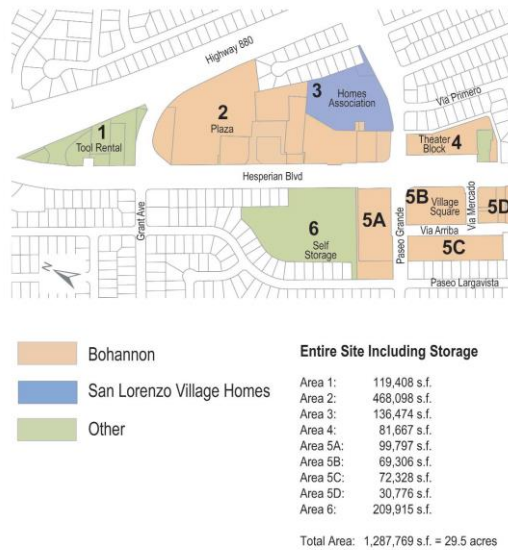


Source: Alameda County

### San Lorenzo Village Center Specific Plan (2004)

The San Lorenzo Village Center Specific Plan (SLVCSP) applies to approximately 29 acres and consists of those contiguous, non-residential properties located on both sides of Hesperian Boulevard, from the I-880 overpass on the north to Via Mercado on the south. The SLVCSP calls for the Village Center to become the economic, commercial, and cultural heart of San Lorenzo. In this pedestrian and transit-friendly environment, interconnected walkways will link stores, the community center, parking, and transit stops, and will provide comfortable spaces to socialize, eat and rest. The SLVCSP's overarching land use approach is to establish a balanced mix of diverse uses, including a range of small to large retail stores and services, civic, institutional, and residential uses, as well as encourage mixed retail/residential uses throughout the plan area. Land Use Goal 4 specifically address residential uses and states: in order to support a lively and desirable public environment, encourage development having residential uses above ground floor retail, office, or civic uses throughout the plan area.

Figure 1  
SPECIFIC PLAN AREA BY SUBAREA  
San Lorenzo Village Center Specific Plan



Source: Alameda County

### Zoning Districts

The Zoning Ordinance is [Title 17](#) of the Alameda County Code of Ordinances. The Zoning Ordinance and Zoning Map are available on the County's website, consistent with Government

Code Section 65940.1(a)(1)(B). This section analyzes all zoning districts that allow residential uses in some capacity in both the Zoning Ordinance and in the Specific Plans described above.

Table C-2 lists the zoning districts that allow residential development established in [Chapters 17.06](#) through [17.51](#) of the Zoning Ordinance. Also included are “combining zoning districts” which modify use and/or development standards in conjunction with other districts. Proceeding Table C-2 are subsections that describe the zoning framework of individual Specific Plans.

**Table C-2: Residential Zoning Districts**

District Code	District Name	Description
<b>Base Zoning Districts</b>		
<b>A</b>	<b>Agricultural</b>	Established to conserve and protect existing agricultural uses and to provide space for and encourage such uses in places where more intensive development is not desirable or necessary for the general welfare.
<b>R-1</b>	<b>Single-Family Residence</b>	Established to provide for and protect established neighborhoods of one-family dwellings, and to provide space in suitable locations for additional development of this kind, together with appropriate community facilities and allowance for restricted interim cultivation of the soil compatible with such low-density residential development.
<b>R-2</b>	<b>Two-Family Residence</b>	Established to provide for the protection of established neighborhoods in which duplex dwellings are located, and generally to provide a transitional area between single- and multiple-residence districts or between single-residence districts and areas of light commercial use, for additional development of this kind.
<b>R-S</b>	<b>Suburban Residence</b>	Established to regulate and control the development in appropriate areas of relatively large building sites at various densities in harmony with the character of existing or proposed development in the neighborhood, and to assure the provision of light, air and privacy, and the maintenance of usable open space in amounts appropriate to the specific types and numbers of dwellings permitted.
<b>M-U</b>	<b>Mixed-Use Residential Commercial</b>	Established to provide for and protect the development of a limited type of multiple dwelling in areas found to be suitable for such use.
<b>R-3</b>	<b>Four-Family Dwellings</b>	Established to provide for larger types of multiple dwellings in relatively small areas generally near business uses or in the vicinity of major thoroughfares, together with appropriate community facilities and compatible types of group living quarters.
<b>R-4</b>	<b>Multiple Residence</b>	Established to provide for larger types of multiple dwellings in relatively small areas generally near business uses or in the vicinity of major thoroughfares, together with appropriate community facilities and compatible types of group living quarters.
<b>SD</b>	<b>Sunol Downtown</b>	Established to implement the provisions of the East County Area Plan and control development of combined residential and commercial uses on a building site within the downtown area of the community of Sunol so as maintain the economic viability of such uses to the greatest extent possible. The district is established to recognize the existence of established residential and commercial uses that have coexisted in the same neighborhood for many years and form a cohesive neighborhood of buildings that have had a history of mixed residential and commercial retail or small manufacturing uses, and the existence of buildings that may be historically significant.

<b>PD</b>	<b>Planned Development</b>	Established to encourage the arrangement of a compatible variety of uses on suitable lands in such a manner that the resulting development will: A. Be in accord with the policies of the General Plan of the county; B. Provide efficient use of the land that includes preservation of significant open areas and natural and topographic landscape features with minimum alteration of natural land forms; C. Provide an environment that will encourage the use of common open areas for neighborhood or community activities and other amenities; D. Be compatible with and enhance the development of the general area; E. Create an attractive, efficient and safe environment.
<b>Castro Valley Zoning Districts</b>		
<b>RSL</b>	<b>Residential Small Lot</b>	Established to support infill projects of duplexes, small lot single-family detached units, and townhouses. The RSL district implements and is consistent with the residential small lot land use classification of the Castro Valley General Plan.
<b>RMF</b>	<b>Residential Medium Density Family</b>	Established to support medium density multi-family residential development in Castro Valley. The RMF district implements and is consistent with the residential medium density multifamily land use classification of the Castro Valley General Plan.
<b>RMX</b>	<b>Residential Mixed Density</b>	Established to support a mixture of single-family and multi-family residential development in areas close to the commercial business district. The RMX district implements and is consistent with the residential mixed density land use classification of the Castro Valley General Plan.
<b>Combining Zoning Districts</b>		
<b>-B</b>	<b>Building Site</b>	Established to be combined with other districts in order to modify the site area and yard requirements, and thereby to vary the intensity of land use so as to give recognition to special conditions of topography, accessibility, water supply or sewage disposal, and to provide for development pursuant to adopted plans.
<b>-D</b>	<b>Density</b>	Established to be combined with R-S districts in order to provide for variations in the intensity of development and thus to create, maintain and protect patterns of residential use in conformance with adopted plans concerning the ratio of dwelling units to land area.
<b>-DV</b>	<b>Density Variable</b>	Established to be combined with the R-S districts in order to provide for variations in the intensity of development to act as incentive to combine narrow parcels into larger, more regular parcels associated with better site development. The intent is to create patterns of residential development in conformance with adopted plans concerning the ratio of dwelling units to land area while promoting superior development standards.
<b>-SU</b>	<b>Secondary Unit</b>	Established to be combined with residential districts which are characterized by lot sizes, parking areas, street improvements, public utilities, and other residential support systems which can best accommodate them. No longer applicable after changes in state law enabled greater ADU construction.
<b>-RV</b>	<b>Recreational Vehicle</b>	Established to be combined with residential districts which are characterized by lot sizes, yards, and parking such that properties in these districts can accommodate the parking and storage of personally owned recreational vehicles.

Source: Alameda County Zoning Ordinance, Chapters 17.06 – 17.51

### Fairview Specific Plan

The Fairview Specific Plan uses zoning designations that apply throughout Alameda County, as well as special development standards that respond to local conditions in Fairview. About 88 percent of all parcels in Fairview have a base zone of R-1, meaning they are intended for single family homes. Of these single-family parcels, 58 percent are subject to a combining zone that establishes further limitations, primarily related to development standards such as lot size and building area (e.g., R-1-B-E-6,000). About 11 percent of Fairview’s parcels (roughly 400

properties) have PD—or Planned Development—zoning. These properties are contained in subdivisions where variations from conventional single-family zoning were allowed to make the project more feasible and preserve sensitive natural areas on the site. The remaining one percent of the community’s parcels have base zones of Agriculture, Commercial, or Suburban Residential. Development standards are discussed in the proceeding section.

**Castro Valley Central Business District Specific Plan**

The CVBDSP does not utilize base zoning districts and is instead divided into 11 subareas. Within each subarea, specific land uses are permitted or prohibited, described both individually and collectively in terms of general Land Use Groups. Land Use Group D (High Density Residential Development) is the only exclusively residential Group and is generally permitted directly adjacent to the CVBDSP’s commercial core (i.e., Subareas 2 and 4 through 10). It includes multi-family residential development (generally 20-40 du/ac, with exceptions as determined through Site Development Review), senior housing, congregate care facilities, affordable housing, and daycare facilities. However, these uses are generally limited by subarea to only be located on upper stories or on towards the rear of parcels as part of a mixed-use development.

An exception is Subarea 11, which is physically separated into two parts by Subareas 8 and 9 along Redwood Road. It consists of parcels historically zoned for residential development between Castro Valley Boulevard and the I-580 freeway, as well as several parcels formerly zoned for commercial development but developed as residential. In addition to all Land Use Group D uses, single-family residences, duplexes, and triplexes are permitted, as well as mobile homes. Where there is one (and only one) dwelling unit on the property, an ADU is allowed with a CUP.

**Ashland and Cherryland Business District Specific Plan**

The goals and policies of the ACBDSP are implemented by Chapter 6 (Development Code) of the Specific Plan, which utilizes a set of form-based transect zones described in Table C-3.

**Table C-3: Ashland and Cherryland Business District Specific Plan – Residential Zoning Districts**

District Code	District Name	Description
DMU	District Mixed-Use	Provides a vibrant, walkable urban main street mixed-use commercial environment that supports public transportation alternatives and provides locally and regionally-serving commercial, retail, and entertainment uses, as well as a variety of urban housing choices.
DC	District Commercial	Provides a vibrant, walkable urban main street commercial environment that serves as the focal point for the surrounding neighborhoods and provides locally- and regionally-serving commercial, retail, and entertainment uses.
BC	Bayfair Corridor	Provides a vibrant mixed-use environment adjacent to public transit that strengthens present and future commercial opportunities, serves daily needs of surrounding neighborhood residents, and accommodates growth and infill.
CMU-R	Corridor Mixed-Use - Residential	Provides an urban form that can accommodate a very diverse range of uses, including mixed-use and commercial services, to encourage revitalization and investment. Commercial allowed as a secondary use.

<b>CMU-C</b>	<b>Corridor Mixed-Use - Commercial</b>	Supports neighborhood-serving commercial uses on small and medium-sized lots in various structures, including house form building types. Residential allowed as a secondary use.
<b>CN-C</b>	<b>Corridor Neighborhood - Commercial</b>	Supports neighborhood-serving commercial uses on small and medium-sized lots in various structures, including house form building types. Residential allowed as a secondary use.
<b>CN</b>	<b>Corridor Neighborhood</b>	Accommodates a variety of uses appropriate in a neighborhood setting such as medium density housing choices and a limited amount of retail, commercial, and office uses as allowed in the Eden Area General Plan.
<b>R</b>	<b>Residential</b>	Preserves existing and allows new small-to-medium lot detached homes and reinforces their role within a walkable neighborhood.

*Source: Ashland and Cherryland Business District Specific Plan (2018)*

### **San Lorenzo Village Center Specific Plan**

The SLVCSP does not utilize base zoning districts, instead implementing a unique set of regulations most similar to the County’s C-1 (Retail Business) district. Residential uses are permitted by-right when part of a mixed-use project that includes commercial development. “Other residential uses” are allowed with a conditional use permit (CUP) and site development review, and any use not listed in the SLVCSP is explicitly stated to be not permitted in Section V.A.3 (Use and Building Controls). In addition, the SLVCSP limits the number of residential units allowed within its boundaries to 580 units, functioning as a stringent constraint to residential development. The County is implementing Program 1.B - San Lorenzo Village Specific Plan Priority Development Area Grant to remove this cap on residential development within the SLVCSP to facilitate the construction of housing.

### **Development Standards**

Development standards can constrain new residential development if they make it economically infeasible or physically impractical to develop a particular lot, or when it is difficult to find suitable parcels to accommodate development meeting the criteria for building form, massing, height, and density in a particular zoning district. As discussed in Appendix B, staff will bring the Housing Element Overlay Combining District to the Board of Supervisors with the adoption of this Housing Element Update to further incentive maximum density development and mitigate possible development proposals in the sites inventory at density levels below expected. Staff are committed to additional rezonings during the 6<sup>th</sup> cycle planning period as is needed to comply with No Net Loss rules.

Through its Zoning Ordinance, the County enforces minimum site development standards for new residential uses. Table C-4 summarizes these standards for base zoning districts that allow residential development.

**Table C-4: Development Standards in Base Zoning Districts that Allow Residential Development**

sf = square feet   ft = feet   ac = acre   Res/R = residential   du = dwelling unit												
Zoning District	Min Lot Area/Unit (sf)	Max Lot Coverage (%)	Max Units	Min Building Site Dimensions		Min Setbacks (ft)			Max Height of Main Structure		Min Building Separation (ft)	Min Open Space/Unit (sf)
				Area (sf)	Width (ft)	Front	Side	Rear	Feet	Stories		
<b>A</b>	–	–	–	100 ac	–	30	10	10	–	–	–	–
<b>R-1</b>	–	–	–	5,000	50 Corner: 60	20	5 Corner: 10	20 <sup>1</sup>	25 <sup>2</sup>	2	–	–
<b>R-2</b>	–	–	–	5,000 <sup>3</sup>	50 Corner: 60 <sub>3</sub>	20	5 Corner: 10	20 <sup>1</sup>	25	2	20	–
<b>R-S</b>	–	–	Site area/5,000 sf	5,000	50 Corner: 60	20	10	20	25	2	20	600
<b>M-U</b>	–	–	Res site area/3,500 sf	5,000	50 Corner: 60	0 Abutting R District: 20	0	0 Abutting R District: 20 <sup>4</sup>	–	–	35	200
<b>R-3</b>	–	–	1/2,000 sf Max 4 du	5,000	50 Corner: 60	20	5 <sup>5</sup>	20	25	2	20	–
<b>R-4</b>	1,250	40	Site area/ 1,250 sf	6,000	60 Corner: 70	20	10	20	Lot coverage >30%: 45 Lot coverage <30%: 75	–	20 <sup>6</sup>	600
	1,200	35										600
	1,100	30										500
	1,000	20										400
<b>S-D</b>	–	–	Res site area (sf)/40,000	40,000	50 Corner: 60	0 Abutting res: 10	0 Abutting res: 5	0 Abutting res: 10	Residential: 25 Commercial: 35	2	–	–

<sup>1</sup> Rear yard may be as little as 10 feet if compensated elsewhere. See Section 17.08.080.

<sup>2</sup> Up to 30 feet on large lots. See Section 17.08.100.

<sup>3</sup> Except for mobile home parks. See Chapter 17.52, Sections 1000 – 1060.

<sup>4</sup> Additionally, the building profile shall fit within a 45-degree angle measured at grade from the common property line.

<sup>5</sup> At least one side yard shall have a width of at least 15 feet.

<sup>6</sup> Plus three feet for every 10 feet in height above 35 feet.

Source: Alameda County Zoning Ordinance, Chapters 17.06 – 17.17

In addition to base zoning districts, the Zoning Ordinance establishes minimum site development standards for residential uses in zoning districts only utilized within the Castro Valley Urbanized Area (excluding the Castro Valley Business District; see discussion of CVBDSP above). Table C-5 summarizes these standards for Castro Valley zoning districts that allow residential development.

**Table C-5: Development Standards in Castro Valley Zoning Districts that Allow Residential Development**

sf = square feet   ft = feet							
Zoning District	Max Units/Acre	Min Building Site Dimensions		Min Setbacks (ft)			Min Building Separation (ft)
		Area (sf)	Width (ft)	Front	Side	Rear	
<b>RSL</b>	17	2,500	40 <sup>1</sup>	15	4	15	25
<b>RMF</b>	29	5,000	50 Corner: 60	10	5 Corner: 10	15	35
<b>RMX</b>	29	5,000	50 Corner: 60	10	5 Corner: 10	10	45

<sup>1</sup> If a small lot single-family home (with an attached, double-loaded garage in front of the main building) complies with the parking location and design requirements in the Residential Design Standards and Guidelines for Unincorporated Communities of West Alameda County, a lot width of 35 feet is allowed. The lot width may be reduced to 30 feet if garages are the width of a single car, detached, and/or accessed from an alley.

Source: Alameda County Zoning Ordinance, Chapter 17.51 (Castro Valley)

Also established in the Zoning Ordinance are “combining zoning districts” that modify use and/or development standards in conjunction with base residential zoning districts. The combining zoning districts which allow or relate to residential development are described above in Table C-2. As stated there, the B combining district can be combined with any residential zoning district to modify building site area requirements, while the D and DV combining districts are specifically used with the R-S district to provide for variations in density and intensity. Meanwhile, the SU and RV combining districts are intended to alter land use standards to allow accessory dwelling units and recreational vehicles, respectively.

Table C-6 summarizes combining zoning districts by the development standards they modify.

**Table C-6: Development Standards in Combining Zoning Districts that Allow Residential Development**

sf = square feet   ft = feet									
Combining District		Min Lot Area/Unit (sf)	Min Site Area (sf)	Max Lot Coverage	Max Units	Max Building Site Width (ft)	Min Setbacks (ft)		Max Height (ft)
							Front	Side	
<b>Building Site</b>	<b>B-8</b>	–	8,000	–	–	80	25	10	–
	<b>B-10</b>	–	10,000	–	–	100	30	15	–
	<b>B-20</b>	–	20,000	–	–	150	30	15	–
	<b>B-40</b>	–	40,000	–	–	150	30	20	–
	<b>B-E</b>	As specified in the amendment creating the district							
<b>Density</b>	<b>D-35</b>	3,500	–	–	–	–	–	–	–
	<b>D-25</b>	2,500	–	–	–	–	–	–	–
	<b>D-20</b>	2,000	–	–	–	–	–	–	–
	<b>D-15</b>	1,000	–	–	–	–	–	–	–
	<b>D-3</b>	1,500	–	–	–	–	–	–	–
<b>Density Variable</b>	<b>–DV</b>	–	–	–	1/2,000 sf <sup>1</sup>	–	–	–	–
<b>Secondary Unit<sup>2</sup></b>	<b>–SU</b>	50% of existing dwelling living area, or 640 sf (whichever is less)			1 ADU	–	10 (from existing dwelling)		15
<b>Recreational Vehicle</b>	<b>–RV</b>	–	–	–	–	30	–	–	11

<sup>1</sup> Only for lots less than 20,000 square feet in area and with an average lot width of at least 100 feet. For all other lots, the density shall be one dwelling per 3,500 square feet. See Section 17.25.040.

<sup>2</sup> The SU combining district is no longer in use due to changes in state laws governing accessory dwelling unit construction.

Source: Alameda County Zoning Ordinance, Chapters 17.22 – 17.30

Lastly, the County’s Specific Plans also establish various development standards for residential uses which differ from base zoning districts. Table C-7 summarizes Specific Plan districts by the development standards they modify.



**Table C-7: Development Standards in Specific Plan Areas that Allow Residential Development**

sf = square feet | ft = feet | ac = acre | R = residential

Zoning District	Min Lot Area/Unit (sf)	Min Site Area (sf)	Max Lot Coverage (%)	Max Units/ac	Min Building Site Dimensions		Min Setbacks (ft)			Max. Height		Min. Bldg. Separation (ft)	Min Open Space/Unit (sf)
					Area (sf)	Width (ft)	Front	Side	Rear	Feet	Stories		
<b>Fairview Specific Plan</b>													
R-1-B-E-5	–	5 acres	20	1.0	–	–	30	20	20	25	2	–	1,000
R-1-B-E-1	–	1 acre	20	1.0	–	–	30	20					
R-1-B-E-20,000	–	20,000	25	4.3	–	–	30	15 Corner: 20					
R-1-B-E-10,000	–	10,000	27.5-30 <sup>1</sup>	4.3	–	–	30	15					
R-1-B-E-6,000	–	6,000	40	8.7	–	–	20	7-10 Corner: 10-15 <sup>2</sup>					
R-1	–	5,000	–	8.7	5,000	50 Corner: 60	20	5 Corner: 10					
R-S-B-E-D-3	1,500	–	–	29.0	5000	50 Corner: 60	20	10					
R-S-B-E-D-25	2,500			17.4					20				
<b>Castro Valley Business District Specific Plan</b>													
Set by Site Development Review, based on the Zoning Ordinance for the corresponding district or type of use and consistent with the overall goals and policies of the CVBDSP.													
<b>Ashland-Cherryland Business District Specific Plan</b>													
DMU/DC	–	–	90	86	–	–	– <sup>4</sup>	–	5 Adj to R: 15	75	5 <sup>3</sup>	–	–
BC	–	–	90	43	–	–		–	5 Adj to R: 15	55	4 <sup>5</sup>	–	–
CMU-R/ CMU-C	–	–	75	-R: 12 -C: 43	–	–		–	5 Adj to R: 10	45	4 <sup>5</sup>	–	–
CN/CN-C	–	–	70	22	–	–		–	20	35	2.5	–	–
R	–	–	60	R-1: 9 R-2: 22 R-3: 43	–	–	– <sup>6</sup>	5	20	35	2.5	–	–
<b>San Lorenzo Village Center Specific Plan</b>													
	–	–	–	19.66 <sup>7</sup>	–	–	– <sup>8</sup>	– <sup>9</sup>	–	50 <sup>10</sup>	–	–	150

<sup>1</sup> Maximum lot coverage is 27.5% for lots 15,000-19,999 square feet in area and 30% for lots 10,000 to 14,999 square feet in area.

<sup>2</sup> Scales with lot width from 80 feet to 100 feet or more.

<sup>3</sup> Additional stories allowed with a CUP.

<sup>4</sup> See ACBDSP Section 6.3 (Frontage Standards).

<sup>5</sup> Up to 5 stories allowed with a CUP.

<sup>6</sup> Average of the setbacks of the two adjacent properties.

<sup>7</sup> Total not to exceed 580 units for entire Plan Area.

<sup>8</sup> Along Paseo Largavista and residential portions of Via Arriba, setback to match residential standard.

<sup>9</sup> At boundary adjacent to a residential zone, setback to match residential standard.

<sup>10</sup> Heights limits along Paseo Largavista and residential portions of Via Arriba not to exceed 30 feet.

Source: Ashland and Cherryland Business District Specific Plan (2018), Castro Valley Business District Specific Plan (2015), San Lorenzo Village Center Specific Plan (2004)

## Development Standards Analysis

Though relatively compact in area, residential development in Alameda County may occur in a wide variety of settings: adjacent to urbanized incorporated areas, at the wildland urban interface, or within the most populous unincorporated area in California (Castro Valley).

Tables C-4 through C-7 show development standards in single-family zoning districts. In terms of area, the vast majority of unincorporated land utilizes large lot, single-family districts (e.g., A, S-D) due to steep hillside conditions or distance from population centers. The County's General/Area Plans prioritize resource conservation and the protection of agricultural lands outside of established urban areas, and thus these development standards are appropriate and do not unnecessarily constrain likely sites for residential development.

The remaining base residential zoning districts, (i.e., R-1 and R-2) are designed for both small-lot single-family homes or duplexes/triplexes (see Table C-10). Additionally, some zoning districts which allow denser uses (e.g., R-3 and R-4) and commercial/mixed-use zoning districts (e.g., CMU-C and CMU-R) also allow single-family dwellings.

Tables C-4 through C-7 also show development standards in multi-family zoning districts. Opportunities for denser housing are primarily located in zoning districts established specifically for Castro Valley (RSL, RMF, RMX) and within the Specific Plans established for the commercial centers of Castro Valley, Ashland-Cherryland, and San Lorenzo. Additionally, triplexes are allowed in the R-3 and R-4 base zoning districts, and all multi-family dwellings are allowed by-right in the R-S, R-3, and R-4 base zoning districts

### *Height*

As shown in Table C-4, heights in base multi-family zoning districts range from 25 feet (or two stories) in the R-S, R-3, and S-D districts, but go up to 45 to 75 feet in the R-4 depending on building lot coverage. As shown in Table C-7, 25 feet (or two story) height limits also apply in Fairview Specific Plan zoning districts based on the R-S base zoning district (i.e., R-S-B-E-D-3 and R-S-B-E-D-25). Height limits of 25 feet are relatively low for zoning districts designed to accommodate multifamily housing and likely constrain the ability to reach maximum densities by preventing three-story buildings.

### *Lot Coverage*

As shown in Table C-4, maximum lot coverage in base zoning districts is only established for the R-4 district, where it ranges from 20 to 40 percent depending on the relation between lot area and residential density. The 40 percent maximum lot coverage is somewhat low, and due to its relation to both height (see above) and minimum open space (see below), it may pose an unnecessary constraint to the ability to achieve maximum densities in the R-4 zoning district.

As shown in Table C-7, maximum lot coverage in Specific Plan zoning districts designed for multi-family housing is only established in the ACBDSP districts (e.g., DMU/DC, R), where it is much less restrictive and ranges from 60 to 90 percent. These standards are significantly more

supportive of denser housing and the ability to achieve maximum densities and have not been observed to be a constraint in the Ashland-Cherryland area.

### *Open Space*

As shown in Table C-4, minimum open space requirements are established in the R-S, M-U, and R-4 base zoning districts, ranging from 200 to 600 square feet per unit. Additionally, as shown in Table C-7, this requirement is as high as 1,000 square feet per unit in all Fairview Specific Plan zoning districts, including those designed for multi-family housing. These minimums are relatively high and, when considered cumulatively with the height and lot coverage restrictions described above, may pose a constraint to the achievement of maximum densities in the R-S, R-4, R-S-B-E-D-3, and R-S-B-E-D-25 districts.

### **Design Standards and Guidelines**

Design standards and guidelines are evaluated as they have the potential to increase development costs and extend the permitting process. Senate Bill 330 (Housing Accountability Act, Government Code Section 65589.5) precludes jurisdictions from denying or reducing the permitted density of a housing development project based on subjective development and design standards.

Alameda County adopted the Residential Design Standards and Guidelines (RDSG) in 2014 to establish provisions for the design of new residential construction and redevelopment projects in unincorporated areas. The Standards establish metrics for new development, while the Guidelines are more qualitative and descriptive.

Development standards for residential projects (i.e., single-family dwellings, townhomes, multi-family dwellings) are established in RDSG Chapter 2, while development standards for residential mixed-use projects are described in RDSG Chapter 4. Both chapters include detailed diagrams illustrating the major development standards established in the Zoning Ordinance (see Table C-3) while also adding objective standards related to a building's relationship to the street, parking location/design, site landscaping, and more. Furthermore, the RDSG development standards supersede development standards for residential and residential/commercial mixed-use development in the Zoning Ordinance; this includes a variety of crucial development standards such as parking rates. Special multi-family residential standards are also described for such developments in the ACBD and CVCBD Specific Plan areas. The specificity and quantitative nature of the RDSG's standards satisfy the State's requirements that development and design standards be objective in nature and do not significantly constrain housing production.

In Specific Plan areas, the RDSG apply unless they would conflict with the provisions of a particular Specific Plan, in which case the Specific Plan governs. On topics where Specific Plans are silent, the RDSG controls. Table C-8 summarizes which sets of design standards are applicable in the four Specific Plan areas discussed in this Appendix.

**Table C-8: Applicability of Design Standards and Guidelines in Specific Plan Areas**

Specific Plan	Applicability
<b>Fairview Specific Plan</b>	RDSG applies to all new residential construction, additions, and remodels unless they conflict with the Specific Plan’s unique development standards tailored to single-family hillside development.
<b>Castro Valley Business District Specific Plan</b>	RDSG establishes special provisions for multi-family residential projects and mixed-use development projects in the Castro Valley Central Business District.
<b>Ashland-Cherryland Business District Specific Plan</b>	ACBDSP Chapter 6 (Development Code) replaces RDSG Chapter 4 (Development Standards for Residential Mixed-Use Projects). However, RDSG Chapter 5 (Design Guidelines for Residential Mixed-Use Projects) remains applicable (except for Section K or when in conflict with ACBDSP Chapter 6).
<b>San Lorenzo Village Center Specific Plan</b>	Detailed parcel-specific General Design Guidelines with illustrations provided in Chapter IV (Design).

*Source: Fairview Specific Plan (2021), Ashland and Cherryland Business District Specific Plan (2018), Castro Valley Business District Specific Plan (2015), San Lorenzo Village Center Specific Plan (2004)*

### Parking Requirements

The regulation of parking and loading spaces occurs in [Sections 17.52.750](#) through [17.52.950](#) of the Zoning Ordinance. The number of parking spaces required for residential uses is described in Section 17.52.910 (Parking Spaces Required – Residential Buildings). Additional parking regulations are outlined in the Residential Design Standards and Guidelines (RDSG) and relevant Specific Plans. Required parking rates for residential uses from all sources are shown in Table C-9 and organized by the geography they affect.

**Table C-9: Residential Parking Rates**

Residential Use	Required Number of Spaces
<b>Base Zoning Districts</b>	
Single-family dwellings, duplexes, triplexes, multi-family dwellings	2 per dwelling unit
Accessory dwellings units (ADUs) <sup>1</sup>	1 per unit or bedroom
Single-room occupancy (SRO) facilities	2
Residential care facilities, transitional and supportive housing	2, plus 1 for each 6 beds
Mobile home park	2 per mobile home site; plus 1 for each 10 mobile home sites
Emergency shelter	3, plus 1 for each 10 individual beds
Agricultural employee housing	1 per unit, or 1 for each 4 beds
<b>Fairview Specific Plan</b>	
New dwelling units	2
4-5 bedrooms	3

Alameda County Housing Element

6+ bedrooms	4
<b>Other uses</b>	Consistent with Zoning Ordinance
<b>Castro Valley Business District Specific Plan</b>	
Set by Site Development Review, based on the Zoning Ordinance for the corresponding district or type of use and consistent with the overall goals and policies of the CVBDSP.	
<b>Ashland-Cherryland Business District Specific Plan</b>	
<b>Single-family dwellings</b>	
DMU, DC, BC, CMU-C Districts	1 per dwelling unit
CMU-R, CN, CN-C, & R Districts	2 per dwelling unit
<b>Multi-family dwellings</b>	
DMU, DC, BC Districts	1 per dwelling unit
CMU-C & CN-C Districts	1.5 per dwelling unit
CMU-R, CN, & R Districts	2 per dwelling unit
<b>Guest parking<sup>2</sup></b>	0.25 per dwelling unit
<b>San Lorenzo Village Center Specific Plan</b>	
<b>Standard Housing</b>	2 per unit
<b>Senior housing</b>	As determined by parking demand study
<b>Guest parking</b>	As determined by parking demand study
<b>Residential Design Standards and Guidelines for Unincorporated Communities of West Alameda County</b>	
<b>Multifamily (Medium Density Residential and High Density Residential)<sup>3</sup></b>	
Studio	1
One Bedroom	1.5
2+ Bedrooms	2
Guest Parking (space per unit)	.5 in all zones
<b>Townhome<sup>4</sup></b>	
All units	2
Guest Parking (units <= 1,000 sq ft)	0.5
Guest Parking (units >= 1,000 sq ft)	1
<b>Small Lot Single Family<sup>5</sup></b>	
All Units	2
Guest Parking (units <= 1,000 sq ft)	0.5
Guest Parking (units >= 1,000 sq ft)	1
<b>Single Family Subdivision<sup>5</sup></b>	
All Units	2
Guest Parking (per dwelling unit)	1
<sup>1</sup> On-site parking is not required for an accessory dwelling unit in any of the follow instances: 1. Located with one-half mile of a public transit facility. 2. Located within an architecturally and historically significant district. 3. Located entirely within the existing primary residence or an existing accessory structure.	

<p>4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.</p> <p>5. When there is a car share vehicle facility located within one block of the accessory dwelling unit.</p> <p><sup>2</sup> Only applicable in CMU-R, CMU-C, CN, CN-C, and R districts.</p> <p><sup>3</sup> Minimum of one space must be covered. Tandem parking allowed for up to 25 percent of the units. For CVBD, lots consisting of more than eight spaces must provide at least 25 percent but not more than 50 percent compact spaces.</p> <p><sup>4</sup> Minimum of one space must be covered. Tandem parking allowed for up to 25 percent of the units. Space along the public street frontage of a building site can be counted toward guest parking requirements. However, guest spaces may be required to be on the building site if there is existing congestion, as defined by the Planning Director, on the street. A parking study may be required to determine existing parking congestion. Driveway aprons may be counted for the required guest parking.</p> <p><sup>5</sup> Minimum of 2 spaces must be covered spaces in a garage or carport. Space along the public street frontage of a building site can be counted toward guest parking requirements. However, guest spaces may be required to be on the building site if there is existing congestion, as defined by the Planning Director, on the street. A parking study may be required to determine existing parking congestion. Driveway aprons may be counted for the required guest parking.</p>
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**Parking Requirements Analysis**

For all typical residential dwelling units in Alameda County, barring those that are subject to an Area Plan, the County requires two parking spaces, as described in the first row of Table C-9. With the exception of requiring an additional space to accommodate rooms allocated for paying guests (i.e., apartment hotels), there are no additional requirements detailed in the Alameda County Code of Ordinances that are universally applicable.

The RDSG, ACBDSP, Fairview Specific Plan, and the SLVBDSP provide additional parking guidelines. In most instances, the parking requirements detailed in these Specific Plans require at least two parking spaces per dwelling unit with the exception of studios in the RDSG and some dwelling units in DMU, DC, BC, CN-C, and CMU-C zones in the ACBDSP.

Overall, the County’s residential parking requirements lack clarity and could pose a constraint to development of housing. The base zoning district requirement that *all* single- and multi-family dwellings provide two parking spaces is particularly concerning, as applying the same parking rate regardless of unit type and bedroom count could limit the total number of units built and discourage smaller units. A preferable approach is the one described in the RDSG. Additionally, the RDSG classifications are not mutually exclusive and a number of community plans and specific plans that have reduced parking standards are below base line zoning requirements. A need to streamline reductions in parking is also recognized through this analysis. Furthermore, many residential areas in urbanized parts of the County are located within half-mile of high-quality transportation areas, and as a result may not use the Zoning Ordinance to mandate off-street parking requirements in these areas (AB 2097).

To streamline the County’s approach to parking requirements, Program 3.A – Streamline Parking Requirements directs the County to:

- Adopt the more tailored parking rates established by the RDSG as the standard for all base zoning districts and Specific Plans;
- Reduce or remove guest parking requirements; and
- Reduce parking requirements Countywide for SROs and other similar housing types which support extremely low-income individuals to levels less than those of the RDSG.

**Cumulative Analysis of Land Use Controls**

Considering the impact of land use controls cumulatively, base zoning districts and those in the Fairview Specific Plan area intended for denser, multi-family housing utilize relatively restrictive development standards (Tables C-4 and C-7), including:

- Maximum building height (e.g., 25 feet or two stories in R-2, R-S, and R-3);
- Maximum lot coverage (e.g., 40 percent in R-4); and
- Minimum open space per unit (e.g., 600 square feet per unit in R-S and some sub-zones of R-4; 1,000 square feet per unit in the Fairview Specific Plan area)

These standards, alongside the required two parking spaces per multi-family dwelling unit (Table C-9), may impact the overall number of units that can be built and may constrain the ability for projects to either achieve maximum allowed density or provide a variety of housing types which are smaller and more affordable.

The County is committing to several program which will address and ameliorate the cumulative impact of land use controls, including:

- Program 1.A: Rezone Sites to Meet RHNA
- Program 3.A (Streamline Parking Requirements),
- Program 3.E (Objective Design Standards),
- Program 3.G (Minimum and Maximum Densities in Zoning Ordinance Updates to Community Plans)

To further facilitate higher density, the County will evaluate and modify building height, lot coverage, and open space standards in the zoning districts identified above as part of a suite of Zoning Ordinance and Specific Plan amendments (Program 3.H).

### Provisions for a Variety of Housing

The County has adopted provisions in its Zoning Ordinance that facilitate a range of residential development types. Table C-10 provides a list of housing types and the zoning districts in which they are permitted, require a conditional use permit, or are not permitted.

**Table C-10: Residential Uses Permitted by Base Zoning District**

P = Permitted   CUP = Conditional Use Permit required   – = Use not allowed											
Land Use	Base Residential Zoning Districts							Sunol	Castro Valley		
	A	R-1	R-2	R-S	MU <sup>1</sup>	R-3	R-4	SD	RSL	RMF	RMX
Single-family dwelling	P	P	P	P	CUP	P	P	P	P	–	P
Duplex	–	–	P	P	CUP	P	P	–	P	P	P
Triplex	–	–	CUP	P	CUP	P	P	–	P	P	P
Multi-family dwelling	–	–	–	P	CUP	P <sup>2</sup>	P	–	P	P	P
Mixed-use	–	–	–	–	P	–	–	–	–	–	–

**Table C-10: Residential Uses Permitted by Base Zoning District**

P = Permitted   CUP = Conditional Use Permit required   – = Use not allowed											
Land Use	Base Residential Zoning Districts							Sunol	Castro Valley		
	A	R-1	R-2	R-S	MU <sup>1</sup>	R-3	R-4	SD	RSL	RMF	RMX
ADU/JADUs	P	P	P	P	P	P	P	P	P	P	P
Mobile home	P	P	P	P	CUP	P	P	P	P	P	P
Mobile home park	–	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Farmworker/employee housing (<36 beds/<12 units)	P	–	–	–	–	–	–	–	–	–	–
Farmworker/employee housing (37+ beds/13+ units)	CUP	–	–	–	–	–	–	–	–	–	–
Residential care facility (≤6)	–	–	P	P	CUP	P	P	–	P	P	P
Residential care facility (7+)	–	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Transitional housing (≤6)	–	–	P	P	CUP	P	P	–	P	P	P
Supportive housing (≤6)	–	–	P	P	CUP	P	P	–	P	P	P
Transitional housing (7+)	–	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Supportive housing (7+)	–	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Emergency shelter	–	–	–	–	–	–	P	–	–	–	–
SRO	–	–	–	–	–	–	CUP	–	–	–	CUP

**Note:** Unless noted otherwise, the Board of Zoning Adjustments (BZA) is the review authority for the CUPs indicated here.

<sup>1</sup> Unless legally created prior to August 6, 2005, no residential use is permitted by-right in the MU zoning district. See Section 17.13.040.

<sup>2</sup> Up to a total not to exceed four dwelling units. See Section 17.14.020.

Source: Alameda County Zoning Ordinance, Chapters 17.06 – 17.17

The County’s Specific Plans also contain provisions which regulate a variety of housing types and where residential uses are permitted, require a conditional use permit, or are not permitted. Table C-11 summarizes the provisions of three of the Specific Plans; the Fairview Specific Plan is excluded due to its use of base zoning districts.



**Table C-11: Residential Uses Permitted in Specific Plan Areas**

P = Permitted   CUP = Conditional Use Permit required   – = Use not allowed												
Land Use	Ashland-Cherryland Business District								Castro Valley Business District		San Lorenzo Village Center	
	DMU	DC	BC	CMU-C	CMU-R	CN-C	CN	R	Subareas 2, 4-10 <sup>1</sup>	Subarea 11		
Single-family dwelling	–	–	–	P	P	P	P	P	–	P	CUP	
Duplex	P	–	P	P	P	P	P	P	–	P	CUP	
Triplex	P	–	P	P	P	P	P	P	–	P	CUP	
Multi-family dwelling	P	–	P	P	P	P	P	P	P	P	CUP	
Mixed-use	P	–	P	P	P	P	–	–	P	P	P	
ADU/JADUs	P	–	P	P	P	P	P	P	P	P	P	
Live/work unit	P	–	P	P	P	P	P	–	–	–	CUP	
Mobile home	–	–	–	–	–	–	–	–	–	P	CUP	
Mobile home park	–	–	–	–	–	–	–	–	–	–	CUP	
Residential care facility (≤6)	P	P	P	P	P	P	P	P	P	P	–	
Residential care facility (7+)	CUP	CUP	CUP	CUP	–	CUP	CUP	CUP	P	P	–	
Transitional housing (≤6)	P	P	P	P	P	P	P	P	P	P	–	
Supportive housing (≤6)	P	P	P	P	P	P	P	P	P	P	–	
Transitional housing (7+)	P	P	P	P	P	P	P	P	P	P	–	
Supportive housing (7+)	P	P	P	P	P	P	P	P	P	P	–	
Emergency shelter	CUP	CUP	CUP	CUP	–	CUP	CUP	–	–	–	–	
SRO	P	–	P	P	P	–	–	–	–	–	–	

**Note:** Unless stated otherwise, the Board of Zoning Adjustments (BZA) is the review authority for CUPs.

<sup>1</sup> Land Use Group D (High Density Residential) is generally permitted directly adjacent to the Castro Valley Business District Specific Plan area's commercial core (i.e., Subarea 2 and 4 through 10). It includes multi-family residential development (20-40 du/ac), senior housing, congregate care facilities, affordable housing, and daycare facilities. However, these uses are generally limited by subarea to only be located on upper stories or towards the rear of parcels as part of a mixed-use development.

Source: Ashland and Cherryland Business District Specific Plan (2018), Castro Valley Business District Specific Plan (2015), San Lorenzo Village Center Specific Plan (2004)

## Multi-Family Dwellings

The County regulates the permitting of residential developments based on the number of dwelling units they contain. Chapter 17.04 (Definitions) specifically defines one-family dwellings (or single-family dwellings), two-family dwellings (or duplexes), multiple dwellings (or multi-family dwellings), and dwellings groups. Multi-family dwellings are technically defined as any building containing three or more dwelling units but are distinguished from “triplexes” in this Appendix to better describe regulatory nuances. In this subsection, only duplexes, triplexes, and multi-family dwellings are discussed.

Duplexes are allowed by-right in the R-2, R-S, R-3, and R-4 base zoning districts. Triplexes are allowed by-right in the R-3 and R-4 base zoning districts. Multi-family dwellings are allowed by-right in the R-S, R-3, and R-4 base zoning districts. All multi-family use types are allowed by-right in Castro Valley’s RSL, RMF, and RMX zoning districts. Residential developments containing more than four dwelling units in the R-3 zoning district are explicitly prohibited in [Section 17.14.020](#) (Permitted Uses) and [Section 17.14.040](#) (Density Limitations), except in Castro Valley, where residential density is limited to one dwelling unit per 2,000 square feet of lot area.

In the R-4 zoning district, all uses permitted in the R-3 district are permitted by reference, plus the following additional provisions:

- In [Section 17.16.020](#) (Permitted Uses), site development review is required for every dwelling in a multi-family dwelling or dwelling group on a building site with an area that equals or exceeds “five times the area for one dwelling unit.” Per Section 17.08.060, uses in an R-1 district (including a single-family dwelling unit) require a minimum building site of 5,000 square feet, so site development review would be required in the R-4 district for a multi-family dwelling project on a building site of 25,000 square feet or more. See Section C.2.4 for more information on the Site Development Review process.
- In [Section 17.16.040](#) (Density Limitations), the maximum number of dwelling units permitted on any lot in the R-4 district is calculated by dividing the area of the building site by 1,250. Therefore, the density allowed in the R-4 zoning district is  $(43,560/1,250=)$  34.8 dwelling units per acre. However, per Section 17.16.090, density may be increased up to approximately 43.5 dwelling units per acre if only 20 percent of the lot is developed upon.

### Specific Plan Areas

All multi-family use types are allowed by-right in ACBDSP’s DMU, BC, CMU-C, CMU-R, CN-C, CN, and R zoning districts.

In the CVBDSP area, multi-family residential developments are permitted by-right in Subareas 2 and 4 through 10, with additional provisions (in specific subareas) that limit these and other uses in Land Use Group D to upper stories or towards the rear of parcels as part of a mixed-use development. Duplex and triplexes are not allowed. In Subarea 11, all multi-family use types are allowed by-right.

In the SLVCSP, multi-family residential development is only allowed when part of a mixed-use project.

In the interim period until the County completes updating the Zoning Ordinance, the County recognizes and will comply with any State law that supersedes any local laws and regulations pertaining to multi-family dwellings in base zoning districts and specific plan areas.

### **Accessory Dwelling Units (ADUs)**

In Government Code Section 65852.150, the California Legislature found and declared that, among other things, allowing accessory dwelling units (ADUs) in zones that allow single-family and multi-family uses provides additional rental housing, and are an essential component in addressing California's housing needs. In recent years, ADU law has been revised to improve its effectiveness at creating more housing units by streamlining approval processes and expanding capacity to accommodate the development of ADUs and junior accessory dwelling units (JADUs).

In Alameda County, ADUs are only explicitly permitted in the A zoning district on parcels 25 acres in size or larger that are zoned for not more than one dwelling and no more than one dwelling unit on the parcel. ADUs in the A district are also subject to a number of additional requirements, such as needing to be within the same building envelope as the primary unit and being subject to site development review.

The Ordinance also establishes an SU combining district (see Tables C-2 and C-5) in Article IV (Combining SU Districts). The intent of this combining district is to limit the construction of ADUs to residential districts characterized by lot sizes, parking areas, etc. which can best accommodate them. The Ordinance makes no mention of junior accessory dwelling units (JADUs).

These regulations are not compliant with State laws regulating the permitting, construction, and development review of ADUs and should be comprehensively updated to permit both attached and detached ADUs/JADUs in all zoning district permitting residential uses without discretionary review. The County has already acknowledged that its existing ADU regulations are out of compliance with State law and has prepared interim ADU guidelines based on community input received since its last update to ADU regulations in mid-2017. The latest version of these interim guidelines was released in May 2023 and is available on the County's website.<sup>1</sup> In the interim period until the County completes updating the Zoning Ordinance, the County recognizes and will comply with any State law that supersedes any local ADU laws and regulations.

Under Program 1.K (ADU Ordinance Compliance), the County shall adopt its interim guidelines as amendments to the Zoning Ordinance and commit to regulating ADUs/JADUs in a manner

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<sup>1</sup> Alameda County, Community Development Agency, Planning Department. *Accessory Dwelling Units (ADUs)*. <https://www.acgov.org/cda/planning/landuseprojects/documents/Accessory-Dwelling-Units-ADU-Handout-Interim-Guidelines-May-2023.pdf>. (May 2023)

compliant with State law. This process was initiated in early 2024, and the ordinance was adopted in August 2024.

This also includes explicit standards stating that for new construction attached or detached ADUs, only one parking space is required per unit or bedroom, whichever is less, as is current standard practice by the County. Additionally, all Specific Plans should be revised to ensure compliance with State ADU law, referring back to the Zoning Ordinance where appropriate.

### **Mobile and Manufactured Homes**

Government Code Section 65852.3 requires cities to allow and permit manufactured and mobile homes on a permanent foundation in the same manner and in the same zone as a conventional stick-built structure, subject to the same development standards that a conventional single-family home on the same lot would be subject to. As manufactured homes that meet certain requirements must be permitted in mobile home parks and are frequently regulated by jurisdictions together, they are discussed here jointly.

Mobile homes in Alameda County are only explicitly permitted in the A zoning district. However, the County's definition of "dwelling unit" includes single-family mobile homes constructed after July 15, 1976, issued an insignia of approval by the U.S. Department of Housing and Urban Development, and permanently located on a foundation system. Given this definition, mobile homes are technically permitted by-right in all base zoning districts except the MU district, where they require a CUP. They are also permitted by-right in all Specific Plan zoning districts which allow single-family homes by-right.

Mobile home parks, meanwhile, are allowed with a CUP in all base zoning districts except the A district, where they are not allowed. Development standards for mobile home parks are provided in [Sections 17.52.1000 – 17.52.1065](#).

Manufactured homes are defined by the Zoning Ordinance as factory-assembled structures in one or more sections that are built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation. They are also mentioned as part of the definitions of "agricultural caretaker dwelling" and "secondary (or accessory) dwelling unit." This definition is nearly identical to that provided for mobile homes. Given the regulatory approach to mobile homes described above, manufactured homes on permanent foundations can be understood to be permitted as "dwellings" in the same fashion.

### **Farmworker/Employee Housing**

State law provisions related to farmworker housing (also called employee housing) derive from Health and Safety Code [Section 17021.5](#) and [Section 17021.6](#). Section 17021.5 generally requires employee housing for six or fewer persons to be treated as a single-family structure and residential use. Section 17021.6 generally requires that employee housing consisting of no more than 36 beds in group quarters designed for use by a single family or household to be treated as an agricultural use. No conditional use permits, zoning variances, or other zoning clearance are to be required.

The County defines “agricultural employee housing” as:

“any living quarters or accommodations of any type, including mobile homes, which comply with the building standards in the State Building Standards Code or an adopted local ordinance with equivalent minimum standards for building(s) used for human habitation, and buildings accessory thereto, where accommodations are provided by any person for individuals employed in farming or other agricultural activities, including such individuals' families. The agricultural employee housing is not required to be located on the same property where the agricultural employee is employed.” ([Section 17.04.010](#))

Agricultural employee housing of not more than 36 beds (in group quarters) or 12 units/spaces (designed as single-family dwellings) is allowed in the A zoning district, subject to Site Development Review as described in Section 17.06.090 (Site Development Review – When Required) and Section 17.60.100 (Agricultural Districts – Agricultural Employee Housing).

Since Site Development Review functions as a discretionary permit, the County is implementing Program 4.D - Farmworker/Employee Housing to remove the Site Development Review requirement so that agricultural employee housing is allowed by-right, consistent with State law. Agricultural employee housing for 37 or more beds (in group quarters) or 13 units/spaces (designed as single-family dwellings) is allowed in the A zoning district subject to a CUP. Additionally, in the interim period until the County completes updating the Zoning Ordinance, the County recognizes and will comply with any State law that supersedes any local laws and regulations pertaining to farmworker/employee housing in base zoning districts and specific plan areas. In addition, the County commits to amending its Zoning Ordinance to comply with Health and Safety Code Section 17021.8.

As shown in the Needs Assessment (Appendix A, Table A-29), as of 2017 an estimated 305 permanent farm workers and 288 seasonal farmworkers were employed in all of Alameda County. Although publicly available data do not provide an estimate of the specific number of farmworkers employed in *unincorporated* Alameda County, less than one percent of residents work in the Agriculture and Forest Industry according to 2019 ACS data (Appendix A, Figure A-11).

### **Supportive and Transitional Housing**

In addition to emergency shelters, transitional and supportive housing are used to further facilitate the movement of homeless individuals and families to permanent housing. They can serve those who are transitioning from rehabilitation or other types of temporary living situations (e.g., domestic violence shelters, group homes, etc.).

Transitional housing is defined in Government Code [Section 65582](#) as buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined point in the future, which shall be no less than six months. Health and Safety Code [Section 50675.14](#) defines supportive housing as housing with no limit on length of stay, that is occupied by a target population, and that is linked to an on-site or off-site service

that assists residents in retaining the housing, improving their health, and maximizing their ability to live and (where possible) work in the community.

Transitional and supportive housing must be allowed in all zones that allow residential uses and subject to the same development standards that apply to other residential uses of a similar type within these zones. Furthermore, [AB 2162](#) (Government Code Section 65650-65656) requires supportive housing to be allowed by-right in zones where multi-family and mixed-uses are permitted, including nonresidential zones that allow multi-family uses, if the proposed development meets certain criteria (e.g., deed restricted for 55 years to lower income households, serving “target population” of homeless individuals, minimum area dedicated for supportive services, etc.).

Alameda County permits both transitional and supportive housing by-right for up to six persons per unit in the R-2, R-S, R-3, and R-4, RMX, RSL, and RMF zoning districts. The County requires a CUP for both transitional and supportive housing for seven or more persons in the R-1, R-2, R-S, R-3, R-4, RMX, RSL, and RMF zoning districts.

Program 4.C - Transitional and Supportive Housing is proposed to permit transitional and support housing for up to six persons by-right in the A, R-1, and SD zoning districts to be compliant with State law if the supportive housing project complies with Government Code Section 65651. In addition, the County will amend its Zoning Ordinance to allow transitional and supportive housing independently of the number of persons served by right in all zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses, so long as the supportive housing proposal complies with Government Code Section 65651. Moreover, all Specific Plans should be revised to ensure compliance with State law, referring back to the Zoning Ordinance where appropriate. In the interim period until the County completes updating the Zoning Ordinance, the County recognizes and will comply with any State law that supersedes any local laws and regulations pertaining to farmworker/employee housing in base zoning districts and specific plan areas. Lastly, the County commits to permitting these uses similar to other residential uses of the same type in the same zone.

### **Emergency Shelters/Low Barrier Navigation Centers**

California Health and Safety Code Section 50801 defines an emergency shelter as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less. Additionally, Government Code Section 65583(a)(4) requires cities to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones must also include sufficient capacity to accommodate the need for emergency shelters in the community.

The County allows emergency shelters by-right in the R-4 zoning district and with a CUP in the ACBDSP area in the DMU, DC, BC, CMU-C, CN-C, and CN zoning districts. Emergency shelters are subject to the additional regulations and development standards of [Section 17.52.1165](#) (Emergency Shelter – Regulations). Objective development and performance standards are as follows:

- No emergency shelter shall have more than 60 beds;
- Each resident shall be provided a minimum of 50 gross square feet of personal living space, not including space for common areas;
- No individual or family shall reside in an emergency shelter for more than 180 consecutive days;
- The operation of buses or vans to transport residents to or from off-site activities shall not generate vehicular traffic substantially greater than that normally generated by residential activities in the surrounding area, to the satisfaction of the Planning Director;
- Arrangements for delivery of goods shall be made within the hours that are compatible with and will not adversely affect the livability of the surrounding properties;
- The facility's program shall not generate noise at levels that will adversely affect the livability of the surrounding properties, and shall at all times maintain compliance with the county noise ordinance;
- On-site management shall be provided 24 hours a day, seven days per week. All facilities must provide a management plan to the satisfaction of the Planning Director that shall contain policies, maintenance plans, intake procedures, tenant rules, and security procedures;
- No emergency shelter shall be closer than 300 feet to any other emergency shelter unless findings can be made that an additional facility would not have a negative impact upon residential activities in the surrounding area;
- On-site parking shall be provided at the rate of three spaces plus 1 for each 10 individual beds (see Zoning Ordinance Section 17.52.910);
- The facilities shall provide exterior lighting in the parking lot, on building exteriors, and pedestrian access. All exterior lighting shall be down-cast and shall not illuminate above the horizontal. No light source shall be exposed above the horizontal, nor visible from neighboring residential use properties;
- Required yards shall conform with R-4 zoning district requirements (see Table C-3); and
- A waiting and client intake area of at least 100 square feet shall be provided inside the main building.

Emergency shelters are otherwise subject to the same development standards as residential and commercial uses in the R-4 zoning district and the objective standards comply with those allowed by Government Code Section 65583(a)(4). As shown in Table C-9, the number of required parking spaces for an emergency shelter is lower compared to that required for multi-family uses elsewhere in the County, though parking spaces are not specifically set aside to accommodate staff. Under Program 3.F, the County will amend parking requirements for emergency shelters and specify that they must provide sufficient parking to accommodate staff in compliance with AB 139 (Emergency and Transitional Housing Act of 2019) and [Government Code §65583\(a\)\(4\)\(A\)](#).

According to the 2022 Point-in-Time (PIT) Count, there were an estimated 510 persons experiencing homeless in unincorporated Alameda County, 91 (17.8 percent) sheltered and 419

(82.2 percent) unsheltered. Considering the 60-bed limit, approximately seven emergency shelters would be needed to accommodate 419 unsheltered individuals. Conservatively assuming 600 gross square feet per bed (including space for offices, infrastructure, etc.), each emergency shelter would require approximately 36,000 square feet of floor area, or 252,000 square feet to satisfy the County’s unmet emergency shelter need. The R-4 zoning district is assigned to 11 parcels in the Castro Valley, Ashland-Cherryland, and San Lorenzo areas, many with existing multi-family developments and totaling approximately 173,827 square feet.<sup>2</sup>

Program 4.A – Emergency Shelters directs the County to identify parcels that have capacity to be (re)developed into emergency shelters and rezone them accordingly to the R-4 zoning district. Also as part of Program 4.A, the County will update its definition of “emergency shelters” to include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

Additionally, the Zoning Ordinance does not address low barrier navigation centers (LBNCs), defined as Housing First, low-barrier, service enriched shelters focused on moving people into permanent housing that provide temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing (Government Code Section 65660). State law requires LBNCs to be permitted by-right in areas zoned for mixed-use and nonresidential zones permitting multi-family uses provided they satisfy the provisions establish by AB 101 (see Government Code Section 65662). This would allow LBNCs in the following zoning districts:

- Base residential zoning districts: MU
- ACBDSP zoning districts: DMU, BC, CMU-C, CMU-R, and CN-C, CN, and R
- CVBDSP zoning districts: subareas 2 and 4-11
- SLVCSP zoning districts: entire plan area

Under Program 4.B – Low Barrier Navigation Centers, the County will amend the Zoning Ordinance to allow LBNCs in the appropriate zoning districts consistent with AB 101. In the interim period until the County completes updating the Zoning Ordinance, the County recognizes and will comply with any State law that supersedes any local laws and regulations pertaining to emergency shelters/low barrier navigation centers in base zoning districts and specific plan areas.

### **Single-Room Occupancy Units**

A single-room occupancy (SRO) unit is considered a small, affordable housing unit that can serve as an entry point into more stable or long-term housing for people who have previously experienced homelessness. They can also help jurisdictions meet their projected housing need for acutely and extremely low-income households.

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<sup>2</sup> *Alameda County Open Data, Zoning (updated November 1, 2022)*



[Section 17.04.010](#) (Definitions) of the Alameda County Zoning Ordinance defines an “SRO unit” as a room that is used, intended or designed to be used by no more than two persons as a primary residence, but which lacks either or both a self-contained kitchen or bathroom. Meanwhile, an “SRO facility” is defined as a building containing six or more SRO units or guestrooms, designed for occupancy of no more than two persons, and which is intended, designed, or is used as a primary residence by guests.

All SRO facilities are subject to the regulations and development standards detailed in [Section 17.54.134](#) (Conditional Uses – Single Room Occupancy (SRO) Facilities). SRO facilities are allowed by-right in the ACBDSP area in the DMU, BC, CMU-C, and CMU-R zoning districts. They are allowed with a CUP in the R-4 and RMX base zoning districts.

### **Residential/Community Care Facilities**

Health and Safety Code [Section 1502](#) defines community care facilities as “any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult daycare, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children.” This definition includes a wide variety of facilities, including foster family homes, small family homes, and group homes.

Health and Safety Code [Section 1569.2](#) defines residential care facilities for the elderly as “a housing arrangement chosen voluntarily by persons 60 years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, personal care, or health-related services are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. Persons under 60 years of age with compatible needs may be allowed to be admitted or retained in a residential care facility for the elderly.”

State law requires local governments to treat both facility types with six or fewer residents as a residential use and subject to the same development standards as a single-family dwelling. Furthermore, no conditional use permit, zoning variance, or other zoning clearance shall be required of a community/residential facility that serves six or fewer persons that is not required of a family dwelling of the same type in the same zone. The residents and operators of a residential care facility shall be considered a family for the purposes of any law or zoning ordinance that relates to the residential use of property. However, “six or fewer persons” does not include the operator, operator’s family, or persons employed as staff.

Facilities serving six persons or less are permitted by-right in the R-2, R-S, R-3, and R-4 zoning districts. They are also permitted by-right in the RMX and RSL districts of Castro Valley. Facilities serving seven or more persons are allowed with a CUP in the R-1, R-2, R-S, MU, R-3, R-4, RSL (Castro Valley) and RMX (Castro Valley) zoning districts.

Program 3.C - Allow Residential Care Facilities and Community Care Facilities Consistent with State Law directs the County to also permit residential/community care facilities in the A, R-1, and

SD zoning districts to be compliant with State law. Additionally, all Specific Plans should be revised to ensure compliance with State law, referring back to the Zoning Ordinance where appropriate.

Also as part of Program 3.C, consistent with the County's intent to remove constraints to the development of housing for special needs households and to affirmatively further fair housing, the County will amend its Zoning Code to allow residential care facilities (regardless of licensing) for seven or more persons by-right in all zones allowing residential uses. Such uses shall be subject to procedures and objective standards similar to other residential uses of the same type in the same zone.

### **Housing for Persons with Disabilities**

Persons with disabilities normally have certain housing needs that include accessibility of dwelling units, access to transportation, employment, and commercial services; and alternative living arrangements that include on-site or nearby supportive services. The Lanterman Developmental Disabilities Services Act (Sections 5115 and 5116) of the California Welfare and Institutions Code declares that mentally and physically disabled persons are entitled to live in normal residential surroundings. This classification includes facilities that are licensed by the State of California to provide permanent living accommodations and 24 hour primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. It includes hospices, nursing homes, convalescent facilities, and group homes for minors, persons with disabilities, and people in recovery from alcohol or drug addictions. The use of property as a licensed residential care facility for the care of six or fewer persons must be considered a residential use that is permitted in all residential zoning districts. No local agency can impose stricter zoning or building and safety standards on these homes than otherwise required for homes in the same district.

In [Chapter 17.60](#) (Reasonable Accommodation), Alameda County details the zoning policy to accommodate access to housing for persons with disabilities. In [Chapter 17.60](#), "disabled," "disability," and other related terms are defined as in the Federal Americans with Disabilities Act of 1990, the California Fair Employment and Housing Act, or their successor legislation.

### **Reasonable Accommodation**

Both the federal Fair Housing Act and the California Fair Employment and Housing Act direct local governments to make reasonable accommodations (i.e., modifications or exceptions) in their zoning laws and other land use regulations when such accommodations may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. For example, it may be reasonable to accommodate requests from persons with disabilities to waive a setback requirement or other standard of the Zoning Ordinance to ensure that homes are accessible for the mobility impaired. Whether a particular modification is reasonable depends on the circumstances.

Per [Chapter 17.60](#) (Reasonable Accommodation) of the Code of Ordinances, it is the policy of Alameda County to provide reasonable accommodation for exemptions in the application of its zoning laws to rules, policies, practices, and procedures for the siting, development, and use of housing, as well as other related residential services and facilities, to persons with disabilities seeking fair access to housing. The purpose of this chapter is to provide a process for making a request for reasonable accommodation for individual persons with disabilities, to be applicable to individual residential units.

As outlined in [Section 17.60.020](#) (Application), any person who requires reasonable accommodation because of a disability in the application of a zoning law which may be acting as a barrier to fair housing opportunities, or any person acting on behalf of or for the benefit of such a person, may request such accommodation on a form to be provided by the Planning Director.

As described in [Section 17.60.040](#) (Process), if the project for which the request is being made requires no other planning permit or approval, the Planning Director shall decide whether or not to grant the request. However, as described in [Section 17.60.050](#) (Notice of Request for Reasonable Accommodations), if the request for reasonable accommodation involves conversion of a garage to living space, variance from the requirements of Chapter 17.60, or use of a recreational vehicle in a required setback, notice must be mailed to the owners of all properties within a 300-foot radius of the property which is the subject of the request. Otherwise, where the request does not require another planning permit or approval, notice must be mailed to the owners of all properties within a 100-foot radius. This notice is required to include the information listed above as required by Section 17.60.030 (Required Information), as well as indication that any person may request a hearing on the request.

As described in Section 17.60.060 (Planning Director's Hearing), this request for a hearing may be made by any member of the public for a request for reasonable accommodation. Such a request must be made in writing to the Planning Director within 15 days of the date of notice of request for reasonable accommodation. If a hearing is requested, the Planning Director must conduct a hearing within 30 days of the notice of request for reasonable accommodation. Additionally, if a hearing is requested, the Planning Director must mail a notice 10 days prior to the hearing to the owners of all properties within a 100-foot radius of the property which is the subject of the request.

[Section 17.60.070](#) (Grounds for Reasonable Accommodation) explains that in making a determination regarding the reasonableness of a requested accommodation, the following factors shall be considered:

- A. Special need created by a disability;
- B. Potential benefit to current and/or potential residents and/or visitors that can be accomplished by the requested modification;
- C. Alternative accommodations which may provide an equivalent level of benefit to residents;
- D. Potential impact on surrounding uses;

- E. Whether the requested accommodation would impose an undue hardship on the immediate surrounding neighbors;
- F. Physical attributes of the property and structures, including consistency of design with the immediate surrounding neighborhood; and
- G. Whether the requested accommodation would impose an undue financial or administrative burden on the county.

[Section 17.60.090](#) (Appeal to the Board of Supervisors) provides the process to appeal to the Board of Supervisors for requests for reasonable accommodations, which requires appeals to be submitted in writing within 10 days after the notice of the Planning Director's decision where the request does not require another planning permit or approval. Additionally, when a decision is part of another approval, the appeal process must follow the process for the underlying approval. Since adopting Chapter 17.60 (Reasonable Accommodations) in 2006, the County has made available the [Reasonable Accommodation Application Supplement](#) form and followed the procedures described above.

However, several features of the County's current process may present constraints on housing for persons with disabilities. [California Code of Regulations Title 2, Section 12179](#) describes the limited reasons as to why a reasonable accommodation may be denied. Reasonable accommodation requests may be denied if:

- The applicant or person on whose behalf a reasonable accommodation request is being made does not have a disability;
- There is no nexus between the disability and the requested accommodation; or, if
- The requested accommodation would constitute a direct threat to the health or safety of others (i.e., a significant risk of bodily harm) or would cause substantial physical damage to the property of others, and such risks cannot be sufficiently mitigated or eliminated by another reasonable accommodation.

The three findings above are subjective, and therefore will be removed or modified under Program 4.L (Reasonable Accommodations) to only consider whether the requested accommodation would constitute a direct threat to the health or safety of others (i.e., a significant risk of bodily harm) or would cause substantial physical damage to the property of others, and such risks cannot be sufficiently mitigated or eliminated by another reasonable accommodation, consistent with [California Code of Regulations Title 2, Section 12179](#).

In addition, under Program 4.L (Reasonable Accommodations) in order to remove possible governmental constraints on housing for persons with disabilities, the County will amend Chapter 17.60 (Reasonable Accommodations) to remove all written noticing requirements, the ability for members of the public to request a public hearing in Section 17.60.060, and the ability for members of the public to appeal to the Board of Supervisors in Section 17.60.090. The County will ensure that this program is consistent with [California Code of Regulations Title 2, Section 12179](#) and Article 18 (Disability) of the California Code of Regulations more generally. These measures are intended to increase approval certainty and reduce timing and cost impacts.

## Incentives for Affordable Housing

[Chapter 17.106](#) (Density Bonus) implements State Density Bonus Law (Government Code [Section 65915 et seq.](#)) and establishes requirements developers must meet when applying for a density bonus. Table C-12 summarizes the County’s affordability categories and how density bonus units are calculated.

**Table C-12: Calculation of Density Bonus by Income Group**

Income Group	Min. % Qualifying Units	Density Bonus	Additional Bonus per 1% Increase in Qualifying Units	% Units Req. for Max. Bonus
<b>Very Low-Income</b>	5%	20%	2.5%	11%
<b>Low-Income</b>	10%	20%	1.5%	20%
<b>Moderate Income (Condo or PD only)</b>	10%	5%	1%	40%
<b>Senior Citizen Housing</b>	100%	20%	–	–

*Source: Alameda County Zoning Ordinance, Section 17.106.050 (Density Bonus Calculations)*

In 2020, the adoption of AB 2345 increased the allowed density bonus from 35 percent to 50 percent for qualifying development projects and altered a variety of minor density bonus requirements. Program 2.A – Density Bonus directs the County to amend the Zoning Ordinance to update its density bonus provisions to comply with State law.

## Urban Growth Boundary

The East County Area Plan (ECAP) established an Urban Growth Boundary for Alameda County. Following a countywide vote, Measure D or the “Save Agriculture and Open Space Lands” Initiative took effect on December 22, 2000. By May of 2002, the County completed and adopted its corresponding amendments to the applicable Alameda County General Plan, in this case the ECAP. The ECAP defines the Urban Growth Boundary as follows:

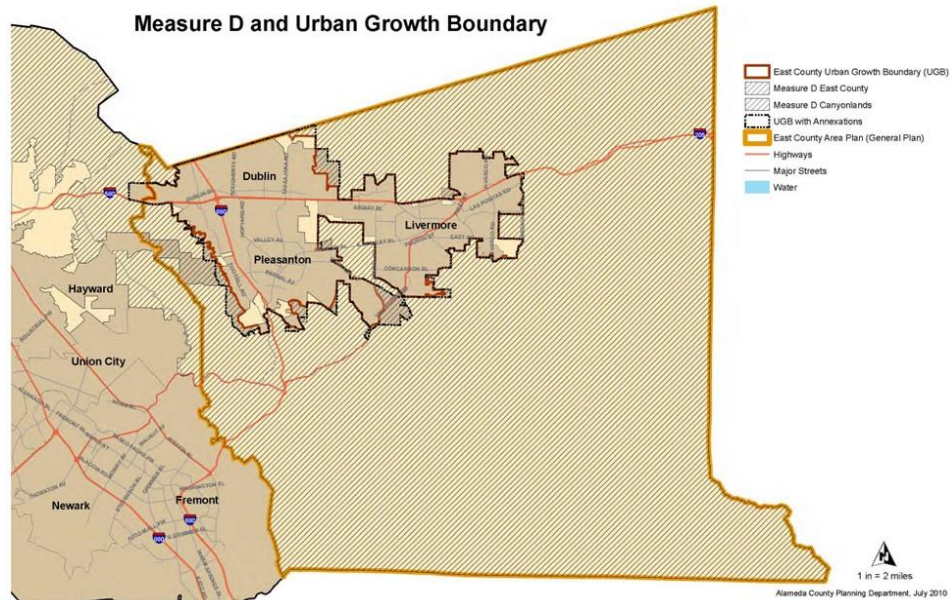
This defines areas generally suitable for urban development and areas generally suitable for long-term protection of open space, natural resources, agriculture and other productive resources, recreation, buffers between communities, and public health and safety. The Urban Growth Boundary is intended to be permanent and to define the line beyond which urban development shall not be allowed.

Measure D, Section 7 (County Housing Obligations), specifically addresses housing obligations from State law by clarifying that “nothing in this ordinance shall be applied to preclude County compliance with housing obligations under State law. To the maximum extent feasible, the County shall meet State housing obligations for the East County Area within the County Urban Growth Boundary. In providing required housing, the County shall protect environmental values, enhance

the quality of life of affected persons, and comply with policies and programs of this ordinance to the maximum extent feasible.”

Consequently, Policy 26 of the ECAP reads, “If State-imposed housing obligations make it necessary to go beyond the Urban Growth Boundary, the voters of the County may approve an extension of the Boundary. The Board of Supervisors may approve housing beyond an Urban Growth Boundary only if:

1. It is indisputable that there is no land within the Urban Growth Boundary to meet a state housing requirement either through new development, more intensive development, or redevelopment;
2. No more land is used outside the Urban Growth Boundary than is required by the affordable housing necessary to meet a State obligation;
3. The area is adjacent to the Urban Growth Boundary, or to an existing urban or intensive residential area;
4. The percentage goals for low- and very low-income housing in Policy 36 will be met in any housing approved;
5. There will be adequate public facilities and services for the housing; and
6. The development shall not be on prime agricultural lands, or lands designated, at least conditionally, for intensive agriculture, unless no other land is available under this policy.”



Source: Alameda County

## Other Local Ordinances

The County does not have other ordinances, such as inclusionary housing or replacement policies, that directly impact the cost and supply of residential development.

### C.2.3 Building and Housing Codes and Enforcement

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Alameda County has adopted by reference the 2019 [California Building Standards Code](#) (Code of Regulations, Title 24) as the Building Code of Alameda County. All codes that constitute the 2019 Buildings Standards Code are referenced in [Title 15](#) (Buildings and Construction) of the Municipal Code. The standards may add material and labor costs but are necessary minimums for the safety of those occupying the structures.

In many cases, amendments to the State Code have been incorporated to reflect issues of local concern in [Chapter 15.08](#) (Building Code). For example, the County amended the 2019 California Residential Code for one- and two-unit family dwellings for standards including foundations, roof assemblies, and tiny houses. Additionally, the County amended the 2019 California Green Buildings Standards Code (Code of Regulations, Title 24, Part 11) to adopt definitions contributing towards the County's Green Building Program in [Section 15.08.185](#) (CBC Ch. 4, Special Detailed Requirements Based on Use and Occupancy {See CBC}, Section 470, Construction And Demolition Debris Management) and provides mandatory green building standards for new and rebuilt construction (also called Tier 1 measures). These standards may increase initial construction costs, but over time will benefit the health, welfare, and resilience of current and future residents.

The County's [Code Enforcement Division](#) is responsible for monitoring Code compliance. Code enforcement practices occur under the supervision of the Director of Public Works (see Municipal Code [Article VIII](#)) when a complaint is made.

### C.2.4 Permits and Procedures

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#### Permits and Procedures

The intent of Alameda County's development review process is to ensure a comprehensive, inclusive process in the least practical amount of time. It is the County's experience that processes which actively encourage citizen participation and input into new development projects have a higher likelihood of approval without risk of legal challenge that further delays project implementation. The time required to process a project varies greatly from one entitlement to another and is directly related to the size and complexity of the proposal, as well as the number of actions or approvals needed to complete the process.

Tables C-13 provides an estimate of the typical approval timeline for single-family and multi-family residential development projects in Alameda County.

**Table C-13: Typical Approval Timelines for Single-Family and Multi-Family Projects**

Project Type	Typical Approval Timeline
Four or fewer dwelling units	Over-the-counter = one day to one week Discretionary permit (such as an SFD in an Agriculture zoning district) = 4 months
Multi-Family (5-25 units)	Discretionary permit = 4 to 6 months
Multi-Family (26-100 units)	Discretionary permit = 6 months
Multi-Family (100+ units)	Discretionary permit = 6 months

Source: County of Alameda

Table C-14 identifies approvals and/or permits that could be required for planning entitlements, their corresponding approval body, and the typical number of public hearings required. It should be noted that each project would not have to obtain each permit/approval.

**Table C-14: Approval Authorities, Public Hearings, and Estimated Approval Timelines**

Permit/Approval Type	Approval Authority	Required Public Hearings	Estimated Approval Timelines <sup>1</sup>
<b>Zoning Approval</b>	Planning Director	N/A	Over-the-counter = one day to one week
<b>Site Development Review</b>	Planning Director	0 – 1 <sup>2</sup>	Discretionary permit = 4 to 6 months
<b>Residential Cluster Permit</b>	Planning Commission	2	N/A <sup>3</sup>
<b>Conditional Use Permit or Variance</b>	Planning Commission/Board of Zoning Adjustments	2	Discretionary permit = 4 to 6 months
<b>Building Plan Check</b>			
<i>ADU and Single-Family/Duplex</i>	N/A	N/A	Over-the-counter = one day to week
<i>Multi-family and Mixed-Use</i>	N/A	N/A	Over-the-counter = one day to one week
<p>Notes</p> <p>All permit/approvals are assumed to be subject to a Mitigated Negative Declaration/Negative Declaration or lower-level environmental review.</p> <p><sup>1</sup> Typical approval timeline is from date of application submittal. Applicant work periods to provide a complete application or other applicant delays that are not within the County’s control are reflected in these timelines.</p> <p><sup>2</sup> Per Alameda County Municipal Code Section 17.54.220.A, the Planning Director may hold a public hearing or refer the site development review to another body for a public hearing. However, per Section 17.54.260, the Planning Director must approve or disapprove a site development review.</p> <p><sup>3</sup> Residential cluster permits are rarely received by the County, so an estimated approval timeline is difficult to determine.</p>			

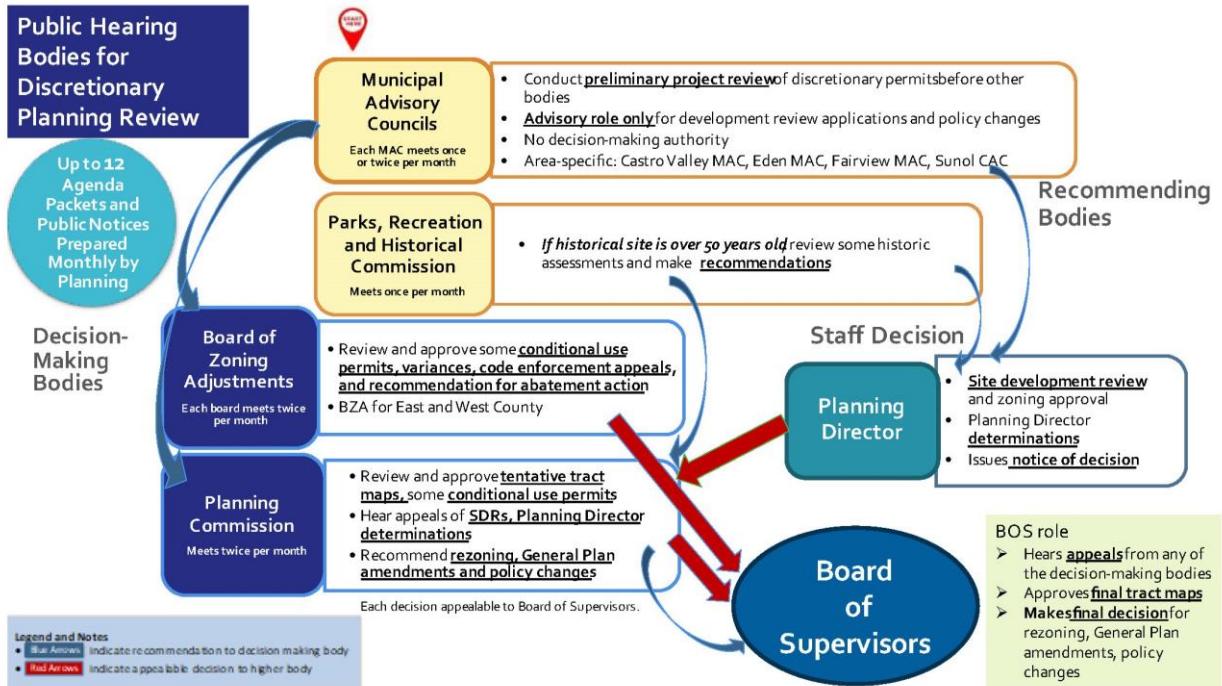
Source: County of Alameda

The 2023 Development Services Process Review, discussed below in greater detail, includes several illustrations of the County’s existing development process which contextualize the



information provided in Tables C-13 and C-14. Figure C-1 displays the relationship between the County’s public hearing advisory bodies and approval authorities.

**Figure C-1: Alameda County Public Hearing Advisory Bodies**



Source: Alameda County Development Process Review, 2023

### Representative Project Timeline

The time lapse between project approval and building permit issuance varies and depends on many factors outside the County’s control, including the project’s complexity, which can affect the time to prepare a full set of construction plans. Additionally, staff does not control the timing of application submittal relative to project entitlement. Recent housing projects in Alameda County have experienced time lapses varying from approximately four months for ADUs, approximately six months for single-family residences, and one a year for multifamily development.

The County issued building permits for 106 new housing units in 2022, including 83 for ADUs and JADUs of varying size and affordability levels and 19 for single-family residences. In that time, the County has been observing a lapse of approximately four to six months between project entitlement approval and building permit issuance. For example, the permits for an ADU project on 2838 Romagnolo Street was issued on July 21, 2022, and finalized on November 4, 2022. The permits for a JADU project on 15772 Via Represa was issued on May 24, 2022, and finalized on September 16, 2022.

Building permits issued in 2022 for single-family residences show a longer gap between entitlement and permit issuance. For example, a building permit for a single-family residence on 2235 Grove Way was issued on February 15, 2022 and finalized on November 8, 2022.

### **Zoning Approval**

As described in [Section 17.54.010](#) (Zoning Approval), "zoning approval" or "approved as to zoning" refers to and means an official notation by the Planning Director or his authorized representative upon a building permit, occupancy permit, or license, or upon a written request certifying that the use, building, or structure specified thereon is in conformance with the regulations and provisions of this title. Zoning approval shall be obtained for every new use of land, new building or structure that exercises a variance, conditional use, cluster permit, residential planned development district, quarry, or site development review. The zoning approval shall include reference to any limitations in conditions to which the approval is subject. Any application for a permit or license may be referred to the planning department for a report as to conformity with the regulations and provisions of this title.

Section [17.54.020](#) (Zoning Approval—Lapse) explains that zoning approval shall lapse and become void whenever the permit or license upon which it is given either lapses or is revoked (per [section 17.54.030](#)). A zoning approval authorized for a variance or from a conditional use shall lapse and become void if not exercised within one year, unless otherwise specified in the authorizing action.

As noted in Table C-14, zoning approval is a staff decision granted by the Planning Director and is not subject to any public hearings. Approval findings are limited to conformance with the Zoning Ordinance and General Plan. If a project is found to be consistent with the Zoning Ordinance and General Plan and does not require a use permit, variance, site development review approval, subdivision map, or zoning change, the project has completed the entitlement process and progresses directly to plan check.

### **Site Development Review**

[Sections 17.54.210 – 17.54.290](#) (Site Development Review; Site development review—Plan modifications) of the Municipal Code details the purpose, procedures, and applications of the Site Development Review.

As described in Section 17.54.220 (Site development review – Procedure) applications for site development review for non-garage conversions are received and decided on by the Planning Director. No public hearing is required by the Zoning Ordinance. However, as described on the County's [guide to applying for site](#) development review, County staff determine if a public hearing should be held. Public hearing for Site Development Review is required by the Specific Plans. If a hearing is held, it will be at the Municipal Advisory Council or Citizens' Advisory Council within the jurisdictional area that the project lies. If the property lies outside such an area, then the Planning Director may hold a staff-level hearing on the site development review. The Municipal Advisory Council or Citizens' Advisory Council will make a recommendation to the Planning

Director whether to approve or deny the site development review. The Zoning Ordinance does not establish any approval findings for an application for site development review.

Site Development Review is required in all multi-family zoning districts whenever the area of a building in an R-S district equals or exceeds five times the area required for one dwelling unit. For example, In all multi-family residential zoning districts, per the Alameda County Municipal Code, site development review is required for every dwelling in a multi-family dwelling or dwelling group on a building site with an area that equals or exceeds “five times the area for one dwelling unit.” As an example, per Section 17.08.060, uses in an R-1 district (including a single-family dwelling unit) require a minimum building site of 5,000 square feet, and therefore, site development review would be required in the R-4 district for a multi-family dwelling project on a building site of 25,000 square feet or greater. Given that 25,000 square feet is over a half-acre in size, requiring a site development review for such a multi-family development project does not in and of itself present a constraint. Additionally, going forward the County will review multi-family housing developments against the objective standards proposed in Program 3.E (Objective Design Standards), further streamlining project review.

The Fairview Specific Plan and the Castro Valley Business District Specific Plan also include provisions related to site development review. In the Fairview Specific Plan area, floor area ratio (FAR) limits are used to establish thresholds for discretionary action. Site development review and a noticed public hearing by the Fairview Municipal Advisory Council would be required for improvements on parcels zoned R-1, R-1-L, and R-1-B-E that exceed the following maximum FAR:

- Smaller than 5,000 sf: 0.55 FAR
- 5,000 – 9,999 sf: 0.15, plus 2,000 sf
- 10,000 sf or larger: 0.10, plus 2,500 sf
- [see Fairview Specific Plan, p.3-23]

In Castro Valley all new construction, expansion, or remodeling which involves changes to the façade of an existing building, and which requires a building permit is subject to site development review as provided under Section 8-95.0 et seq. of the Zoning Ordinance. However, site development review shall not be required for residential construction which would not be subject to site development review under the Zoning Ordinance. Site development review applications shall be reviewed by the Castro Valley Municipal Advisory Council, which shall hold a public hearing on the application and make a recommendation on the application to the Planning Director. Per Chapter 17.51 (Castro Valley) of the Municipal Code, site development review is also required in Castro Valley in the RSL (Residential Small Lot), RMF (Residential Medium Density Family), and RMX (Residential Mixed Density) districts for residential projects with five or more units are possible.

In addition to site development review for non-garage conversion, [Section 17.45.225](#) (Site development review for garage conversions—Applications), details the components needed for a site development review for a garage conversion. However, site development review shall not be required for garage conversions when the purpose of the conversion is to create a new secondary unit within the space of an existing attached or detached garage, compliant with [Section 17.30.110](#) (SU combining district—Permitted uses), concerning secondary units. The county board of zoning adjustments shall hold a public hearing and render a decision on the application.

As shown in Table C-14, the site development review process can take four to six months, and as described in this section, does not contain explicit approval findings, which could constrain housing development. An overly lengthy design and development review and approval process may increase the cost of housing development (such as accrued interests on financing, increases in construction material and labor costs).

Therefore, to streamline the housing development process, ensure approval certainty, and reduce costs, the County will only require a site development review when a housing project does not comply with the General Plan, applicable Specific Plan, or Design Guidelines, as described in the Housing Element Overlay Combining District to be brought for adoption with the updated Housing Element. Moreover, going forward the County will review housing developments against the adopted objective standards proposed in Program 3.E (Objective Design Standards) as is applicable.

These programs are intended to cumulatively generate significant time savings for housing development projects which previously required discretionary site development review, reducing overall development costs.

### **Residential Cluster Permit**

[Section 17.54.300](#) (Single-family residence—Cluster permit) and subsequent sections address cluster permits. A cluster development of single-family residences is permitted only in R-1 (single-family residence) districts, and R-1 combining districts upon issuance of a cluster permit. A single-family residence cluster development is intended to encourage the arrangement of single-family residences on suitable lands in such manner that will:

- Be in accord with the general plan of the county;
- Provide efficient use of the land that includes preservation of significant amounts of open areas and natural and topographic landscape features;
- Provide an environment that will encourage the use of common open areas for community activities and other amenities;
- Provide variety in the siting of residences and the design of access and circulation facilities;
- Be compatible with and enhance the development of the general area.

Per [Section 17.54.420](#), all building permits issued within the boundaries of an approved cluster development shall conform to the provisions of the approved cluster permit until such time as said

cluster permit expires or the property owner has filed with the planning commission notification in writing of his intent to abandon this permit which notification shall render said permit null and void.

As noted in Table C-14, residential cluster permits are reviewed and approved by the Planning Commission. This requirement is established in [Section 17.54.320](#) (Preliminary cluster development plan – Application). As described in [Section 17.54.400](#) (Cluster permit plan – Findings and action by the planning commission), the Commission must make the findings that the cluster permit plan is found to be in compliance with the intent and standards of the district in which it is proposed.

It is worth noting that the clustering provision of the Zoning Ordinance rarely is utilized by developers, but the provision does not appear to be a constraint to the development of housing.

### **SB 35 Processing**

Senate Bill 35 (SB 35) (Government Code [Section 65913.4](#)) became effective January 1, 2018. The intent of SB 35 is to expedite and facilitate construction of affordable housing. SB 35 requires cities and counties that have not made sufficient progress toward meeting their affordable housing goals for above-moderate and lower-income levels to streamline the review and approval of certain qualifying affordable housing projects through a ministerial process. The County complies with the requirements of SB 35 as part of project review as projects are proposed. The County will adopt local procedures consistent with SB 35 (see Program 3.D - SB35 Processing and Permit Streamlining) to ensure continued compliance and to facilitate the review process.

### **Subdivisions**

Alameda County oversees subdivision development as detailed in [Title 16](#) (Subdivisions) of the Code of Ordinances. [Section 16.04.050](#) (Compliance) explains that no real property, or portion thereof, shown on the latest equalized county assessment roll as a unit or contiguous units and lying wholly or partially within the unincorporated portion of the county shall be divided into two or more parcels for the purpose of sale, lease or financing, whether immediate or future, unless prior thereto a tentative map is acted upon and a final map or parcel map has been filed. The section lists several exceptions to the parcel and final map requirements that are at the discretion of the advisory agency.

For any subdivision into five or more lots and, when required by the advisory agency, for any other subdivision, the tentative map shall include:

1. A preliminary grading plan prepared by a civil engineer registered by the state;
2. A conceptual plan for soil erosion and sediment control for both construction and postconstruction periods prepared by the civil engineer, or, with respect to the soil erosion control provisions, by a landscape architect registered by the state;
3. A soils-geologic investigation report prepared by a licensed geologist, certified engineering geologist, or a registered civil engineer or soil engineer as provided by Section 6736.1 of the Profession Engineers' Act.

Said data and material shall be consistent with requirements and specification of the county grading ordinance. Additional reports and data may be required by the Planning Director when deemed necessary due to the scale of the proposed subdivision or presence of potentially hazardous or environmentally sensitive conditions. The County's subdivision ordinance is typical of those adopted by other jurisdictions and does not present any unusual constraints to housing development.

### **Recent Streamlining Efforts**

Several efforts have been made in recent years to evaluate and improve the County's processing and permit procedures. Action on the findings of these evaluations will be crucial to ensure compliance with State law, especially SB 330, AB 2011, and AB 2234.

### **Development Services Process Review**

On August 10, 2023, Baker Tilly (formerly Management Partners) presented a final report reviewing Alameda County's development services processes to the Transportation and Planning Committee of the Board of Supervisors.<sup>3</sup> The report assesses and makes recommendations on the County's development review process. The report was commissioned in response to concerns over efficiencies, timeliness, accuracy, and coordination between the various County agencies, all who have a role in reviewing and approving a project. Several recommendations from that report are pertinent to the topic of housing and are presented below.

As recommended in the Development Services Process Review report, the Planning Department is implementing an online permit application portal where applicants can submit material completely online, which is currently in its second phase (building permits was the first phase). The focus for the Planning Department is on the user experience so that applicants can not only learn about the process as they submit an application, but have the ability to track it once in process. The online permit portal requires coordination between the software consultant developing the application, as well as numerous County agencies that will have a role in reviewing a project, with a specific task of approving some aspect of the project (i.e., Fire Dept, Septic Systems, Grading etc.). County leadership is very supportive of this effort to create a centralized portal for all permits needed for development, and it is expected that its functionality will continue to improve during the planning period. This online permitting system increases transparency and communication with applicants for housing projects to provide clarity on where their application is in the process. The online system has the added benefit of replacing paper submissions, thus increasing the efficiency of the process for applicants and reducing costs for both applicants and the County.

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<sup>3</sup> Baker Tilly, [Alameda County, California: Development Services Process Review](#), July 2023.

In addition, as recommended by the Development Services Process Review report, staff is preparing an online comprehensive application checklist to ensure applicants clearly understand all application materials that must be submitted for processing of housing projects. See Program 1.F (Online Permitting and Streamlining) for more information.

### **Planning Commission Permit Streamlining Subcommittee**

In the 2022 the Planning Commission created a Permit Streamlining subcommittee tasked with reviewing various regulations that are considered hinderances to development projects. A subcommittee consisting of three Planning Commissioners developed the following list of items they believe, if implemented, would streamline development projects. Below is a summary of the items subject to review at the community level.

#### *1. Site Development Review (SDR)*

**Recommendation:** Only require an SDR when a project does not comply with the General Plan, Specific Plan, and Design Guidelines

- Expedited approval of projects that comply with standards.
- Greater reliance on approved Plans, Standards, Guidelines and Ordinances.
- More efficient use of staff time.
- Shows Alameda County is taking proactive steps to address the housing crisis.

#### *2. Lot Size Consistency*

Resolve the “lot size consistency” during the pre-application meeting. This is too important an issue to be left to the formal review phase. Provide guidelines and examples to applicants on how to prepare a lot size consistency analysis for the County’s review and approval during the pre-application meeting phase.

**Recommendation:** Eliminate Lot Size Consistency and defer to zoning code for minimum lot sizes.

#### *3. Private Streets*

Develop a clearer policy on Public vs. Private Streets. Need clear guidelines on how to resolve this issue - a “performance” based approach is suggested.

**Recommendation:** Require Public Streets when a project has greater than a certain number of parcels. Private Streets may be allowed by the Public Works Agency when a public street requirement would have a detrimental effect on the development yield.

These changes proposed by the Planning Commission Permit Streamlining Subcommittee can be implemented programmatically within the Housing Element document. It is expected these recommendations will be discussed at the community level at the various advisory bodies, to determine final language and approaches to implementation.

Program 3.B - Planning Commission Streamlining Subcommittee implements the recommendations of this subcommittee, for the County to only require a site development review for projects that do not comply with the General Plan, Specific Plan, or Design Guidelines.

**Permit and Development Fees**

The County requires payment of application fees for entitlement processing and development fees at time of building permit issuance. County fees are based on the County’s costs of providing services and are reviewed and adjusted periodically. The County’s permit and development fees are available on the County’s website consistent with transparency requirements (Government Code §65940.1(a)(1)(A)).

**Planning Fees**

Table C-15 lists the fees and deposits required by the County’s Planning Department for residential projects as of March 2022. Deposits are based on the typical time it takes to process an application of that type, and complex projects may necessitate a larger deposit or additional costs.

**Table C-15: Planning Fees**

Application Type	Fees/Deposit
Conditional Use Permit	At-Cost/\$2,500 deposit
Administrative Conditional Use Permit	At-Cost/\$4,000 deposit
Site Development Review	At-Cost/\$2,500 deposit
Variance	At-Cost/\$2,500 deposit
Zoning Verification Letter	At-Cost/\$500 deposit
Subdivision	At-Cost/\$6,000 deposit
Rezoning (Standard or Planned Development)	At-Cost/\$4,000 deposit
Minor Modification	At-Cost/\$1,000 deposit
General Plan Amendment	At-Cost/\$6,000
Specific Plan Initiation or Amendment	At-Cost/\$6,000
Appeals	At-Cost or \$250

Source: Alameda County Planning Department, [Fee/Deposit Schedule](#) (March 2022)

**Development and Impact Fees**

Projects in Alameda County are subject to various fees, including fees charged by or on behalf of school, sewer, and park districts, as well as transportation fees collected by Public Works, fire fees, and others. Table C-16 below identifies the fees for sample residential projects that are representative of development in unincorporated Alameda County.

**Fees Analysis**

Table C-16 shows the total estimated planning and development fees for single-family and multi-family developments.



**Table C-16: Estimated Fees for Single-Family and Multi-Family Market-Rate Housing Developments**

Estimated Fee Types	Single-Family with Sewer and Municipal Water	Single-Family with Septic and Water Well	Multi-Family Fourplex: 4 units	Multi-Family: 50 units
Planning Review	If SDR is required, \$4,000.00	If SDR is required, \$2,500.00	If SDR is required, \$4,000.00	\$4,000.00
Park Dedication	\$11,550.00	\$11,550.00	\$10,200.00/unit	\$10,200.00/unit ADUs over 750 sq. ft, \$5,77.00
Building Permit Fee	\$3,200.00	\$3,800.00	\$6,000.00	\$45,000.00
Water*	\$41,580.00	N/A	\$44,000.00	\$554,000.00
Sewer	\$16,000.00	N/A	\$64,000.00	\$1,000,000.00
PG&E	\$6,000.00 – \$12,000.00	\$6,000.00 – \$12,000.00	\$6,000.00 – \$12,000.00	\$6,000.00 – \$12,000.00
DEH / OWTS	N/A	\$4,700.00	N/A	N/A
Fire Department Review	\$120.00	\$120.00	\$120.00	\$120.00
Public Works Agency Review	\$6,300.00	\$3,000.00	\$75,000.00	\$30,000.00
Road Impact	\$2,800.00	\$3,400.00	\$7,600.00	\$95,000.00
School Impact <sup>1 2 3</sup>	\$11,975.00	\$11,975.00	\$47,900.00	\$598,750.00
<b>Total Fees</b>	<b>\$103,525.00 - \$109,525.00 <sup>4</sup></b>	<b>\$47,045.00 - \$53,045.00 <sup>4</sup></b>	<b>\$200,620.00 - \$206,620.00 <sup>4</sup></b>	<b>\$2,343,070.00 - \$2,349,070.00 <sup>5</sup></b>
<b>Total Fees per Unit</b>	<b>\$103,525.00 - \$109,525.00</b>	<b>\$47,045.00 - \$53,045.00</b>	<b>\$50,155.00 - \$51,655.00</b>	<b>\$46,861.40 - \$46,981.40</b>
Total Estimated Development Cost per Unit	\$676,128			
Estimated Proportion of Fees to Development Costs Per Unit	15% - 16%	7% - 8%	9%	8%
<sup>1</sup> Assumes a 3-bedroom, 2,500 square foot single-family house. <sup>2</sup> Assumes a 2-bedroom, 1,250 square foot multi-family units. <sup>3</sup> School Impact Fee is \$4.79 per square foot. <sup>4</sup> Assumes a SDR is required. <sup>5</sup> Assumes ADU are less than 750 sq. ft. <sup>6</sup> Estimated development costs use market-driven cost assumptions for land and exclude developer profit and financing costs.				

Source: Alameda County, LWC

As shown in Table C-17, the total fees per unit for single-family and multi-family market-rate housing development for Alameda County is lower than Pleasanton and higher than San Leandro. The fees do not pose as a constraint for housing development compared to neighboring jurisdictions.

**Table C-17: Estimated Fees for Single-Family and Multi-Family Market-Rate Housing Developments for Neighboring Jurisdictions**

Estimated Fee Types	Alameda County		Pleasanton		San Leandro	
	Single-Family <sup>1</sup>	Multi-Family: 50 units	Single-Family	Multi-Family: 100 units	Single-Family	Multi-Family: 62 units
<b>Total Fees</b>	\$103,525.00 - \$109,525.00	\$200,620.00 - \$206,620.00	\$140,471	\$10,531,529	\$73,725.12	\$1,783,988.70
<b>Total Fees per Unit</b>	\$103,525.00 - \$109,525.00	\$50,155.00 - \$51,655.00	\$140,471	\$105,315	\$73,725.12	\$28,774.01
Total Estimated Development Cost per Unit	\$676,128	\$566,335	\$676,128	\$566,335	\$788,250.12	\$244,789.17
<b>Estimated Fee Cost as a Portion of Total Development Cost</b>	15% - 16%	8%	20.8%	18.6%	9.35%	11.75%

<sup>1</sup> Based on single-family homes with sewer and municipal water. These numbers are for EBMUD Zone 2, which includes Castro Valley.

Source: Alameda County, LWC, Cities of Pleasanton and San Leandro 6th Cycle Housing Element Updates

### C.2.5 On and Off-site Improvements

New development is required to provide public improvements to serve new residents consistent with County standards. Required improvements are described in Chapter 16.16 (Design Requirements) and Chapter 16.20 (Improvements). Development sites in the County are a mix of urban infill parcels (with full utilities, street frontages, etc.) and larger subdivisions in more rural areas that may require site improvements as a condition of approval. Improvements associated with larger subdivisions include curbs/gutters/sidewalks, drainage, traffic safety improvements, street lighting, water/sewer connections.

The County may require a project sponsor to incur the expense of either on-site or off-site development fees. On-site improvements pertain to private improvements required within the boundaries of the subject parcel. These include open space, parking, landscaping, and lighting requirements. In addition to the fees associated with these improvements, the developer may need to cede some developable area in order to make these improvements. The Subdivision Map Act and the County’s Title 16 (Subdivisions) address these requirements.

The size, location and number of dwelling units proposed all have an impact upon the number of improvements necessary for a subdivision’s approval. For example, urban infill parcels may have existing systems and improvements that are deemed adequate to support the additional housing units. In these cases, the costs of on-site and off-site improvements do not serve as a constraint on housing production. However, in less urban/rural areas there may be several improvements required as a condition of approval. The need for infrastructure to support housing in these areas adds to the overall cost to develop housing. These are typical for such development within the region and are not considered a significant constraint on development.

Required street right-of-way widths are based on street classification and location, ranging from 20 feet (driveway/private street in new residential subdivisions<sup>4</sup>) to 93 feet (portions of A Street<sup>5</sup>). Generally, the widths of streets are based on the width of streets of which they are a continuation of. The County provides street design regulations to improve the minimum right-of-way of streets, as well as providing block standards in [Chapter 16.16](#) (Design Requirements). The County allows deviations from these standards for special cases based on the Director’s discretion.

While these types of requirements result in additional development costs, these improvements provide the necessary facilities and services for a safe and quality living environment. The County’s standards coupled with the allowance for deviations has accommodated residential development throughout Alameda County and has not been demonstrated to constrain housing supply and affordability.

## C.2.6 Summary

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County policies and regulations, such as the [Zoning Ordinance](#), significantly affect the quantity and type of residential development that occurs in Alameda County. The following summarizes key governmental constraints to housing development.

- Base residential zoning districts (e.g., R-1, R-2, R-2, R-3) limit residential development to single-family homes or duplexes/triplexes.
- The lack of detail in the County’s parking requirements could pose a constraint to the development of studio and 1 bedroom housing units by requiring 2 spaces for each unit.
- Complex fee requirements with varying applicability may slow down the development process.
- Due to various legislative updates, zoning provisions for certain residential uses are not consistent with State law (e.g., Low Barrier Navigation Centers, ADUs/JADUs).
- Specific Plans regulate land use, parking, etc. in an inconsistent manner and in certain cases not compliant with State law.

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<sup>4</sup> Alameda County, Community Development Agency, Planning Department, *Residential Design Standards and Guidelines for the Unincorporated Communities of West Alameda County*. <https://www.acgov.org/cda/planning/design.htm>. (2014)

<sup>5</sup> Alameda County, Title 17 (Zoning), Chapter 17.100 (Future Width Lines), Section 17.100.060 (A Street). [https://library.municode.com/ca/alameda\\_county/codes/code\\_of\\_ordinances?nodeId=TIT17ZO\\_CH17.100FUWILI\\_17.100.060AST](https://library.municode.com/ca/alameda_county/codes/code_of_ordinances?nodeId=TIT17ZO_CH17.100FUWILI_17.100.060AST)

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## Section C.3 Non-Governmental Constraints

Market factors over which a local government has only limited ability to control can influence the jurisdiction's capacity to develop more housing. These market-related constraints include land cost, construction costs, and the availability of financing. An assessment of these non-government constraints can inform the development of potential actions that can ameliorate their impact.

### C.3.1 Housing Supply/Conditions

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#### Market Overview: For-Sale

As shown in the Needs Assessment (Appendix A, Figure A-39), the region's home values have increased steadily since 2000, besides a decrease during the Great Recession. The rise in home prices has been especially steep since 2012, with the median home value in the Bay Area nearly double during this time. The typical home value in unincorporated Alameda County was estimated at \$902,184 in December 2020, a 148 percent increase from \$364,323 in 2001.

Following the recovery from the Great Recession and until 2020, interest rates remained at low levels of 3.5 to 4.5 percent. When interest rates are low, capital investment and housing production generally increase, and more buyers are likely to take out a mortgage than when interest rates are higher. In addition, consumers are able to borrow more money for the same monthly payment. During the COVID-19 pandemic, national 30-year mortgage rates dropped to even lower levels, declining to as low as 2.65 percent in January 2021. However, interest rates began to increase in early 2022 and reached 5.81 percent by June 2022, the highest rate since June 2009.<sup>6</sup> The increase in home borrowing rates may impact the performance of the home buying market, but the severity of these impacts is uncertain due to the unusual conditions during the pandemic-recovery, including a shortage of housing supply, increased savings and significant changes to how many Americans work and live.

#### Market Overview: Rental

As shown in the Needs Assessment (Appendix A, Figure A-41), rents in unincorporated Alameda County are lower than rents in both Alameda County and the Bay Area as a whole. According to U.S. census data, the median rent paid in unincorporated Alameda County in 2019 was \$1,589, increasing 49.5 in the past 10 years, while rents in Alameda County have increased 56.2 percent. Meanwhile, median rent in the Bay Area has increased just over 54 percent in the same time period. The rate of rent increase in unincorporated Alameda County matches that of the rest of the County and the Bay Area.

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<sup>6</sup> Federal Home Loan Mortgage Corporation (Freddie Mac), [Primary Mortgage Market Survey](#)<sup>®</sup>

Per the Needs Assessment (Appendix A, Figure A-43), renter households in unincorporated Alameda County experience a higher housing cost burden than homeowners. An estimated 25 percent of renters spend 30 to 50 percent of their income on housing compared to 19 percent that own. Additionally, 26 percent of renters spend 50 percent or more of their income on housing, while 10 percent of owners are severely cost-burdened. In total, 29 percent of homeowners are cost burdened, while 51 percent of renters are cost burdened.

### **C.3.2 Development Costs**

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#### **Land Costs**

Land cost was estimated by a review of vacant land sale transactions between 2019 and 2022. Individual lots ranged from \$28 to \$80 per square foot, or about \$1,225,490 to \$3,500,000 per acre. Lot sizes ranged from approximately 26,572 to 4,356 square feet. Residential multi-family land in unincorporated Alameda County is estimated to cost an average of \$45 per square foot, or about \$1,945,090 per acre. Due to its cost and the relative lack of developable land outside areas protected as open space (or featuring steep slopes), land is considered a moderate constraint to development. Housing production will most likely occur on more expensive opportunity sites for redevelopment closer to incorporated areas, and developers will need to pay for the existing on-site improvement before demolishing it, resulting in a cost premium over vacant land. In addition, sites with existing uses will most likely incur more costs due to the removal of on-site structures.

#### **Construction Costs**

According to a March 2020 report published by the Turner Center for Housing Innovation, construction costs for multi-family housing in California have climbed 25 percent between 2009 and 2018.<sup>7</sup> This increase is in part due to the higher cost of building materials, such as lumber, concrete, and steel, as well as prevailing wage requirements. According to RSMeans, construction costs (including materials and labor but excluding soft costs such as fees) for a small apartment complex in Alameda County ranged between \$190 to \$219 per square foot in 2022. Construction costs can vary depending on the type of development, ranging from more expensive steel-frame Type I construction to more affordable wood-frame Type V. Due to the smaller scale, single-family homes tend to be more expensive to construct on a per square foot basis than larger, multi-family developments. This cost can fluctuate depending on the type and quality of amenities to the property, such as expensive exterior and interior finishes, outdoor spaces, fireplaces, swimming pools, etc.

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<sup>7</sup> Turner Center for Housing Innovation, [The Hard Costs of Construction: Recent Trends in Labor and Materials Costs for Apartment Buildings in California](#), March 2020

Soft costs are the costs that are not directly incurred by the physical construction of the development. These costs include services for architectural, engineering, environmental assessments, landscape design and legal services, as well as permitting requirements and impact fees. They generally range from 15 to 30 percent of total development costs but fluctuate depending on local fees and exactions. Please refer to the Permit and Development Fees section for a discussion of the County’s required permit and development fees.

**C.3.3 Availability of Financing**

The availability of financing has a large impact on rates of homeownership. The ability to secure financing can be influenced by creditworthiness, debt-to-income ratio, and the restrictiveness (or leniency) of mortgage lending standards. Reviewing data collected through the Home Mortgage Disclosure Act (HMDA) reveals the influence of the lending market on local home sales. Home purchase loans in 2021 are summarized in Table C-18 below.

In 2021, conventional home loan applications (3,028) vastly outnumbered government-backed loans (90), for a total of 3,118 loan applications across both types. This disparity could be driven by high home values in Alameda County, as government-back loan programs typically have a maximum loan amount. The approval rate for conventional loans was 77 percent and 76 percent for government-backed loans.

In competitive housing environments, where purchasing a new home may be out of reach for some, home renovations can be a desirable and more affordable way to add value to a property. There were 978 loan applications for home improvement in 2021. The approval rate for these types of applications was 59 percent.

**Table C-18: Home Loan Approvals**

Type	Home Loan Approvals (2021)					
	Total Applications	Total Approved	Loans Originated	% Approved	% Denied	% Withdrawn or Incomplete
Government-backed	119	91	90	76%	5%	18%
Conventional	4,053	3,126	3,028	77%	5%	17%
Refinancings	18,714	13,384	12,983	72%	8%	20%
Home Improvement	978	580	539	59%	25%	16%
5+ Units	68	59	59	87%	7%	6%
Non-occupant	1,879	1,319	1,282	70%	9%	21%

Source: HMDA, 2021

**C.3.4 Development Densities**

This section considers possible future requests to develop housing at densities below those anticipated in the sites inventory, specifically as a hindrance on the completion of RHNA.

Staff will work with all project applicants to maximize project densities within what is allowed by local zoning, relevant design standards, and state laws, regardless of whether those projects occur on sites listed in the Sites Inventory.

With the implementation of the Housing Element Overlay Combining District, staff do not anticipate development densities significantly below what is proposed. Per Appendix B’s Table B-59, there is a 526 unit surplus in the sites inventory, and per Program 1.K: ADU Ordinance Compliance and Facilitation staff anticipate 29 more ADUs constructed per year than what is described in Table B-59.

Additionally, there is a track record of significant developments from the 5<sup>th</sup> Housing Element cycle being developed at greater densities than initially anticipate, as described in Table C-19 below.

Table C-19: 5 <sup>th</sup> Cycle Projects approved at densities higher than anticipated										
	APN	Zone	Allowable Density	Lot Size (acre)	Existing Use	Existing Units	Max Capacity	Realistic Capacity	Net Yield	Units Approved
Ruby Street (Crescent Grove)	415 023001100	R-S D-20	21.78	0.17	Residential, Public Agency, Exempt	1	3.75	2.81	1.81	72
	415 023001200	R-S D-20	21.78	0.17	Residential, Public Agency, Exempt	1	3.75	2.81	1.81	
	415 023001300	R-S D-20	21.78	0.33	Vacant, Public Agency, Exempt	0	7.18	5.39	5.39	
	415 023001600	R-S D-20	21.78	0.15	Vacant, Public Agency, Exempt	0	3.24	2.43	2.43	
	415 023001700	R-S D-20	21.78	0.17	Vacant, Public Agency, Exempt	0	3.74	2.80	2.80	
	415 023001900	R-S D-20	21.78	0.19	Vacant, Public Agency, Exempt	0	4.15	3.11	3.11	
	415 023001400	R-S D-20	21.78	1.18	Pub, Public Agencies, Exempt	0	25.70	19.27	19.27	
	415 023001500	R-S D-20	21.78	0.15	Pub, Public Agencies, Exempt	0	3.28	2.46	2.46	

**Table C-19: 5<sup>th</sup> Cycle Projects approved at densities higher than anticipated**

	APN	Zone	Allowable Density	Lot Size (acre)	Existing Use	Existing Units	Max Capacity	Realistic Capacity	Net Yield	Units Approved
Ruby Street Total	-	-	-	2.52	-	2	54.78	41.09	<b>39.09</b>	
Village Green	412 003900103	C1	19.66	1.56	Shopping Center	0	31	23	23	<b>138</b>
	412 004211300	C1	19.66	1.63	Shopping Center	0	32	24	24	
	412 003900402	C1	19.66	0.25	Shopping Center	0	5	4	4	
	412 003900300	C1	19.66	0.28	Shopping Center	0	6	4	4	
	412 003900200	C1	19.66	1.64	Shopping Center	0	32	24	24	
Village Green Total	-	-	-	5.36	-	0	105	79	<b>79</b>	
Mercy Housing	412 003400908	C1	19.66	0.90	One story store	0	18	13	13	<b>77</b>
	412 003400809	C1	19.66	0.60	Shopping Center	0	12	9	9	
Mercy Housing Total	-	-	-	1.5	-	0	30	22	<b>22</b>	

The parcels involved in Crescent Grove, Village Green, and Mercy Housing were anticipated at much lower densities in the 5<sup>th</sup> Cycle Housing Element than what staff ultimately approved.

However, various nongovernmental constraints such as changes to the housing insurance market or Not In My Backyard (NIMBY) values may create situations where less than the anticipated density of housing units is proposed. Planning staff are committed to ensuring that there is adequate capacity for the county’s RHNA allocation in compliance with No Net Loss rules, as described in Programs 1.A and 1.I, should lower than anticipated developed densities on Housing Element sites lower Alameda County’s capacity to meet RHNA. Please see Appendix B section B.2.3 for further discussion of why staff anticipate nonvacant sites to develop without commercial uses.

### C.3.5 Summary

Economic conditions in unincorporated Alameda County reflect a competitive housing market. Residential developments can garner higher home sale prices and rental rates than across the ABAG region. As such, Alameda County has market conditions that favor the development of both for-sale and for-rent housing. Due to high housing demand, however, portions of the western, urbanized area of Alameda County are generally built out, so in many instances, future housing



development will be constrained by existing development or require demolishing existing structures, improvements, and uses. The lack of available vacant land may constrain housing production due to the increased costs associated with redevelopment; in addition, community opposition to new housing development may also constrain or slow development in the County.

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## **Section C.4            Environmental and Infrastructure Constraints**

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### **C.4.1            Environmental Constraints**

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#### **Environmental Constraints**

The unincorporated areas of Alameda County are characterized by a range of terrains and landscapes, including open space, agriculture uses, and permanently protected lands of hills and mountains separating the County's eastern and western portions. The Castro Valley, Fairview, and Sunol areas directly border or are within these terrains. The eastern hills of Castro Valley constitute the headwaters of the San Lorenzo Creek watershed and its many of the origin of several creeks that flow into San Lorenzo Creek: Bolinas, Castro Valley, Chabot, Crow, Cull, Eden, Hollis, Kelly Canyon, Norris, and Palomares Creeks. Mountainous terrains and watersheds can present a variety of constraints to construction, including difficult or prohibitive grading, landslide risks, flooding, and disruption of natural ecosystems.

Historic land use has altered much of the landscape in Alameda County's unincorporated areas, but the remaining open space supports a diversity of plant and animal species. On the westernmost parcels in the Eden Area of unincorporated Alameda County is industrial uses. The Sunol CDP area is located within the central area of the County and provides a mix of residential and commercial uses. The Castro Valley area contains the highest mix of uses and concentration of density. The unincorporated area of Alameda County's eastern portion is predominately zoned open space, agriculture, and resource management with some areas reserved for planned development and residential uses.

In response to some of the environmental constraints faced by the county, Alameda County adopted the Alameda County Community Climate Action Plan for unincorporated areas, which was approved as part of the 5<sup>th</sup> Cycle Housing Element Update by the Board of Supervisors on February 4, 2014. Alameda County published an Implementation Status Report in 2019 measuring the status of the 2014 goals. The Plan set out local programs and policy measures to reduce greenhouse gas emissions in the areas of transportation, land use, building energy, water, waste, and green infrastructure. According to the 2020 report, Alameda County achieved and exceeded the adopted target of reducing GHG emissions to 15 percent below 2005 levels by 2020.

#### **Flooding Constraints**

Flooding is given special attention when accommodating new development in parts of the western area of unincorporated Alameda County. The unincorporated areas of Alameda County located in the flood plain are in Zone 2 of Alameda County's Flood Control & Water Conservation District. Adjacent to the San Francisco Bay shoreline is a mix of Light Industrial and Heavy Industrial uses

with a mix of residential and commercial uses located further inland. According to the National Oceanic and Atmospheric Administration (NOAA) flood mapping tool “Our Coast, Our Future,” there will be parcels effected by flooding in the future in unincorporated Alameda County when analyzing by sea-level rise and projected storm frequency.

All new construction and substantial improvements in Special Flood Hazard Areas are required to comply with the Flood Control and Water Conservation District Use Regulations (Municipal Code [Chapter 6.36](#)). Development standards are intended to meet, if not exceed, minimum National Flood Insurance Program (NFIP) criteria for requirements for floodplain management regulations, including raising residential buildings and using flood-resistant building materials, as required to comply with Floodplain Management regulations (Municipal Code). Alameda County also adopted Stormwater Management and Discharge Control (Municipal Code [Chapter 13.08](#)) regulations to reduce or eliminate the pollution from receiving waters and enhance water quality.

The County’s Available Land Inventory contains minimal property located in the Special Flood Hazard Areas. There are 5 sites significantly located in the hazard area: 84A-160-7-1, 411-24-5, 411-21-5-2, 411-21-5-4, and 80C-500-8 While development is subject to Municipal Code [Chapter 15.40](#) (Floodplain Management), these regulations do not preclude development of these sites at the housing densities indicated in the inventory.

### **Other Environmental Constraints**

The County has taken measures to prepare for and mitigate impacts from its other main environmental hazards – seismic activity, liquefaction, landslides, and wildfire. These measures include requiring geotechnical analyses for development proposals in hazardous areas, encouraging clustered development, and a county-wide available land inventory providing development capacity while factoring environmental constraints. Additionally, the County has identified its vulnerability to the impacts of climate change as part of its 2014 Community Climate Action Plan and has committed to comprehensively incorporating these anticipated impacts into future community plans. None of these environmental hazards are considered a constraint that would significantly affect the production and maintenance of housing during the planning period.

### **Environmental Constraints and Identified Sites Inventory**

There are no other known environmental constraints that would preclude development in the planning period of sites identified in Appendix B (Sites Inventory and Methodology) with regard to contamination, relocation, or title conditions.

Below, several other areas of concern are addressed specifically.

#### **Parcel Shape**

The sites inventory (Appendix B, Section B.3.3) contains two instances where parcel shape may impact development during the planning period. Table C-19 describes these two instances and steps taken to increase the likelihood of development in the planning period and remove environmental constraints related to parcel shape.

**Table C-19: 6<sup>th</sup> Cycle Housing Element Sites by Environmental Constraints (Parcel Shape)**

<b>G9</b>	414-21-60	20095 Mission Blvd Hayward	0.21	As described in greater detail in Appendix B, Section B.3.2 (Housing Sites Maps – Rezoning), the former Cherryland Place site (Group G9) consists of five parcels. There is a small PG&E substation located adjacent to these parcels, creating a unique buildable area. The site is large (2.23 ac), was previously under contract to develop as a mixed-use project, and is located in close proximity to bus lines, highway entrances, and other community amenities.  To increase the likelihood of development in the planning period, these parcels will be rezoned to a higher density, from District Mixed-Use to HE-GC-HDR-86 (Housing Element Overlay, General Commercial, High Density Residential up to 86 units per acre). However, the anticipated unit capacity of 147 units has been conservatively projected given parcel shape.
	414-21-61	20097 Mission Blvd Hayward	0.89	
	414-21-78	20095 Mission Blvd San Lorenzo	0.84	
	414-21-79	20095 Mission Blvd Hayward	0.32	
	414-21-80	20095 Mission Blvd Hayward	0.19	
<b>n/a</b>	415-15-33-2	165 Lewelling Blvd., San Lorenzo	2.39	This parcel is composed of two “stacked triangles” of land, a shape which makes maximizing housing capacity difficult. Though the parcel is large, and rezoning is proposed to HE-ACBD-R2-22 with a maximum density of 22 units/ac, estimated capacity is set at 36 units given parcel shape.

**Access**

As described in Appendix B, Section B.2.4 (Methodology), the County used a detailed process to select and screen parcels for development during the 8-year planning period. In Phase 1 of the process, parcels without adequate frontage were excluded *unless* they could be consolidated with parcels with access to a road. Table C-20 describes the three groups, all in the Fairview Specific Plan area, which may require consolidation to ensure access. Consolidating the lots as proposed will ensure appropriate lot access and greatly increases the likelihood of development in the planning period.

**Table C-20: 6<sup>th</sup> Cycle Housing Element Sites by Environmental Constraints (Access)**

Group	APN	Address	Acres	Access Details
<b>G7</b>	426-170-16	East Ave, Hayward	0.36	Of the four lots in Group G7, only the largest lot (APN 426-160-91, 3.39 ac) has frontage. The three smaller lots without frontage are owned by different members of the same family. All parcels are large enough to construct new units under existing development standards (minimum 6,000 square feet per unit). However, development of the sites without frontage is only possible through APN 426-160-91.
	426-170-14-2	East Ave, Hayward	0.38	
	426-170-13	East Ave, Hayward	1.08	
	426-160-91	Weir Dr, Hayward	3.39	
<b>G14</b>	416-180-61	22866 Mansfield Ave, Hayward	0.41	Of the two lots in Group G14, only one (APN 416-180-61) has frontage. Both parcels are large enough to host new units under existing development standards (minimum 5,000 square feet per

**Table C-20: 6<sup>th</sup> Cycle Housing Element Sites by Environmental Constraints (Access)**

Group	APN	Address	Acres	Access Details
	416-180-10-3	Kelly St, Hayward	0.51	unit). However, development of the site without frontage is only possible through APN 416-180-61.
<b>G15</b>	416-180-12	Kelly St, Hayward	0.35	Of the three lots in Group G15, only the largest lot (APN 416-180-1) has frontage. All parcels are large enough to host new units under existing development standards (minimum 5,000 square feet per unit). However, development of the sites without frontage is only possible through APN 416-180-1.
	416-180-14	Kelly St, Hayward	0.34	
	416-180-1	Mansfield Ave, Hayward	1.38	

**Historic Preservation**

Between 2005 and 2008, the County conducted a comprehensive survey of possible historic resources. From the survey, 11 structures were added to the Alameda County Register of Historic Resources. There are also five buildings in unincorporated Alameda County on the National Register of Historic Places. Staff ensured that none of these properties were listed in the sites inventory.

**Easements**

All parcels considered in Appendix B with known easements were either removed from the sites inventory or, utilizing staff understanding of site-specific conditions, had the projected number of units only consider buildable land outside the easement area.

**C.4.2 Infrastructure Constraints**

Alameda County does not generally experience issues with public infrastructure demands (electricity, gas, and telephone services), water district supply, and sewage and drainage systems, as these services have been determined to be stable and adequate for the foreseeable future. An overview of the County’s water, sewer, and dry utilities infrastructure is described below.

**Water**

In Alameda County, surface water resources are the primary sources of potable water. Rural areas rely on groundwater resources where surface water is in short supply or where surface water delivery systems are absent.<sup>8</sup>

Alameda County’s unincorporated areas are served by two primary water service agencies: East Bay Municipal Utility District (EBMUD) and the Zone 7 Water Agency (Zone 7). Approximately 90 percent (325 million gallons per day) of EBMUD’s water supply comes from the Mokelumne

<sup>8</sup> Alameda County Community Development Agency, [2015-2023 Housing Element](#)

River.<sup>9</sup> EBMUD operates facilities including 21 reservoirs and water tanks in the area. EBMUD captures snowmelt from the watersheds of the Mokelumne River and collects it at the Pardee Reservoir 90 miles to the east of the Bay Area, which has a capacity of a 10-month supply of water.<sup>10</sup> EBMUD typically stores a six-month emergency supply in local reservoirs, but during a long-term drought, evaporation, and competing water rights on the Mokelumne River's supply would not be able to meet EBMUD's projected customer demands, even with mandatory water use restrictions in place.<sup>11</sup> In Alameda County, EDMUD generally supplies water to the western, urban unincorporated areas. The areas EDMUD does not supply water service are generally more rural and agricultural and are served by on-site water resources. Residential development is typically limited to having higher density and located in areas with potable water service. Based on projects in the Alameda County 2000 General Plan, EBMUD determined that it has sufficient system capacity to serve growth anticipated in the Castro Valley area through 2030.<sup>12</sup> Zone 7 supplies treated drinking water to the Pleasanton, Livermore, Dublin, and to the Dougherty Valley area. Zone 7 also provides water supply for agricultural use primarily to South Livermore Valley vineyards and flood protection for all eastern Alameda County.<sup>13</sup>

EBMUD's most recent water supply plan was the Water Supply Management Program 2040 submitted in June 2012. The plan addresses the district's water system and includes a description of the water supply sources, magnitudes of historical and projected water use, and defines challenges for the district. The Water Supply Management Program 2040 determined it can meet customer water service demands (based on ABAG population projects) through 2040 during normal conditions such as stable RHNA growth for Alameda County.<sup>14</sup> EBMUD's Mokelumne River supply is sufficient during normal or wet years to accommodate current demand but falls short during droughts. According to the Water Supply Management Program 2040 Plan, EBMUD may be unable to meet the need for water without imposing extreme rationing measures. EBMUD is taking action to address ongoing drought conditions. The district has a contract with the U.S. Bureau of Reclamation for a supplemental water supply from the Sacramento River of up to 100 million gallons per day in dry years. The water is transported from the Freeport Regional Water Facility jointly owned by EBMUD and Sacramento County.<sup>15</sup>

On October 19, 2021, Governor Newsom declared a state of emergency due to drought conditions. The scarcity of water statewide continues to be an ongoing concern for the state and any future development.

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<sup>9</sup> EBMUD, [Water Supply Management Program 2040](#)

<sup>10</sup> EBMUD, [About Your Water](#)

<sup>11</sup> Ibid.

<sup>12</sup> Alameda County Community Development Agency, [2015-2023 Housing Element](#)

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> EBMUD, [About Your Water](#)

## **Sewer and Stormwater**

Five wastewater treatment service providers serve Alameda County's cities and unincorporated areas: Castro Valley Sanitary District (CVSan), the Cities of San Leandro and Hayward, and the Union and Oro Loma Sanitary Districts). The unincorporated areas possess parcels with on-site septic systems for wastewater treatment. The Oro Loma (OLSD) and CVSan provide wastewater collection, treatment, and disposal services for part of the unincorporated areas and within the Urban Growth Boundary.<sup>16</sup> The Eden Area has flows treated by both the OLSD and CVSan service areas. CVSan provides and maintains the sewage collection system serving Castro Valley.<sup>17</sup>

Sewage from the District is treated under contract by OSD at the Oro Loma/Castro Valley Water Pollution Control Plant in San Lorenzo treats sewage for the District. As of 2007, CVSan was entitled to a nominal average dry-weather flow of 5.0 million gallons per day (MGD) through the Oro Loma plant, which has a total plant capacity of 20 MGD. In 2000, the average daily dry weather flow was 15 MGD. Daily dry weather flows from the CVSD have recently been averaging 3.7 MGD. Under drought conditions in the recent past, the daily dry-weather flow averaged 2.3 MGD.

There are only a select number of parcels with septic systems left in unincorporated Alameda County. Alameda County requires developers to construct new sewage service lines with a subdivision and pay fees per dwelling unit based on development location, the specific sewer district, and type of residential development.

Overall, the County's sanitary sewer districts have adequate capacity to treat wastewater for the service area to accommodate anticipated future development.

## **Dry Utilities**

Electricity in Alameda County is provided jointly by East Bay Community Energy (EBCE), a Community Choice Aggregation (CCA) program, and PG&E. Natural gas is provided by PG&E, and Marin Clean Energy provides an alternative energy source. EBCE was established based on the identified goals of the 2014 CCAP. Additional dry utilities include cable TV/internet (AT&T and Comcast) and weekly garbage service (Waste Management of Alameda County through a contract with the Alameda County Waste Management Authority Sanitary District). Solid waste from Alameda County is taken to the Davis Street Transfer Station and then to Altamont Landfill east of Livermore located within the County's limits.

While there is concern about utility companies' ability to respond to development projects with new connections (underground service, electrical/gas/water meters etc.) in a timely fashion, overall, dry utility infrastructure is adequate to accommodate anticipated future development

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<sup>16</sup> Alameda County Community Development Agency, [2015-2023 Housing Element](#)

<sup>17</sup> Castro Valley Sanitary District, [Who We Are](#)

during the planning period. At the time of writing, the County expects that there are adequate utilities for infill projects throughout the unincorporated area. While the County has little ability to control private utility companies there should be on-going coordination and communication with utilities to remove constraints whenever possible. The County has added Program 2.H - Sewer Prioritization and Utility Coordination to increase coordination with utility companies regarding projects in the development pipeline to adequately plan for utilities early in the development process.