



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT**

**STAFF REPORT**

**TO:** CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

**HEARING DATE:** January 26, 2026

**RE:** Introduction to Inclusionary Zoning and Ministerial Review for Affordable Housing, Consider the Creation of an Ad Hoc Subcommittee for Affordable Housing, and Appointment of members to the Ad Hoc Subcommittee  
(ITEM CONTINUED FROM January 12, 2026)

**GENERAL INFORMATION**

The Transit-Oriented Communities Policy (TOC Policy or Policy) is an initiative developed by the Metropolitan Transportation Commission (MTC) that implements the region's long-range plan to support the region's transportation, housing, environment, and the economy. The Policy seeks to ensure communities around transit stations are places that support transit ridership as well as the lives of residents of all abilities, income levels, and racial and ethnic backgrounds. TOC Policy goals aim to "[a]llow a greater mix of housing densities and types" in station areas as envisioned by MTC-ABAG regional plan.

On March 26, 2025, MTC awarded the Alameda County Community Development Agency (CDA) \$400,000 to develop and consider ordinances compliant with three Affordable Housing Production, Protection, and Preservation TOC Policies. CDA's Department of Housing and Community Development received \$120,000 for the development of a Tenant Anti-Harassment Ordinance, and the Planning Department received \$280,000 to develop an Inclusionary Zoning Ordinance and a Ministerial Approval Ordinance.

On September 9, 2025, the Board of Supervisors accepted the funding and approved a contract with the consultancy Street Level Advisors (SLA) to develop the Inclusionary Zoning Ordinance and a Ministerial Approval Ordinance to comply with the TOC Policy. The project is expected to be completed before July 1, 2027.

On December 8, 2025, Staff presented to the Castro Valley Municipal Advisory Council (CVMAC) and introduced Staff's efforts on Inclusionary Zoning and Ministerial Review for Affordable Housing. See Attachment D for the Staff presentation. At that meeting, Staff recommended CVMAC consider the creation of an Ad Hoc Subcommittee for Affordable Housing and appoint up to two members to the subcommittee. CVMAC members expressed

interest in appointing three members instead and requested Staff confirmation from County Counsel regarding the allowable number of appointments. Staff subsequently confirmed with County Counsel that up to three members may be appointed to the subcommittee.

The Planning Department will work with SLA to develop two Affordable Housing Production ordinances to implement 6<sup>th</sup> Cycle Housing Element's goals. Development and implementation of these ordinances will help meet the County's housing needs and maintain future regional funding from MTC-ABAG as compliance with the TOC Policy will be a factor in future One Bay Area Grant (OBAG) funding cycles.

### **STAFF RECOMMENDATION**

Staff requests that your Council consider and create an Ad Hoc Subcommittee on Affordable Housing Production Policies: Inclusionary Zoning and Ministerial Review and appoint up to three members to serve on the subcommittee.

### **BACKGROUND**

The TOC Policy consists of four components for compliance: Affordable Housing, Parking, Station Access and Circulation, and Land Use Density. The Parking, Station Access and Circulation, and Land Use Density policy work will occur within the half-mile radius circles around the Bay Fair and Castro Valley BART stations; the Affordable Housing Policies developed will be applicable to all unincorporated areas. The Affordable Housing Policies have a different geography due to previous Board commitments (described below) and the nature of the policies when implemented.

The Planning Department's Affordable Housing TOC Policy work focuses on two Housing policies: Inclusionary Zoning and Ministerial Approval policies.

#### **Inclusionary Zoning**

Inclusionary Zoning promotes the development of affordable housing within new market-rate residential projects. Inclusionary Zoning requires new residential development to either include a set percentage of affordable units or contribute to affordable housing production through alternate means. Inclusionary Zoning can apply to new rental and ownership developments. Table 1 below describes the components Inclusionary Policy generally includes.

Table 1. Basic components of an Inclusionary Zoning Policy

| Components                                                  | Example                                                                                                                                                                                                                                        |
|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The minimum level and amount of required affordable housing | In San Leandro, 9% of rental units in a new development need to be affordable to households with at most 50% area median income, or AMI, and 6% of rental units in a new development need to be affordable to households with at most 60% AMI. |

|                                                                                                              |                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Number of years of deed-restricted affordability                                                             | In Dublin, units for purchase developed through Inclusionary Zoning must stay affordable for minimum 55 years.                                   |
| Alternate means of compliance are required by AB 1505 for new rental projects subject to Inclusionary Zoning | Paying a set fee per unit, called in-lieu fees; dedicating other land to affordable housing; or building affordable housing on a different site. |

MTC's TOC Policy lists specific standards for Inclusionary Zoning policies. See Attachment A for a summary of these standards as of October 2025.

### Relevant Previous Work

Alameda County has considered Inclusionary Zoning before. The County's 2004 Housing Element included the following action:

Action 1.1.14: Develop and consider adoption of an Inclusionary Zoning ordinance to promote inclusion of affordable housing in new residential developments.

To implement Action 1.1.14, in 2008, CDA hired consultant, Vernazza and Associates to develop an Inclusionary Zoning Ordinance. Changes in the housing market and the subsequent 2009 court case *Palmer/Sixth Street Properties v. City of Los Angeles* ended the project before significant research could occur. In 2016, CDA studied possible affordable housing fees. The recommendations were not pursued.

In December 2024, the Board of Supervisors adopted the 6<sup>th</sup> Cycle Housing Element which includes the following program:

Program 6.J: Adopt an inclusionary housing ordinance to promote new housing choices and affordability. Inclusionary housing requires provision of affordable housing on-site or off-site, or payment of an affordable housing in-lieu fee, as part of an otherwise market-rate housing development. The County will evaluate establishing inclusionary housing requirements for new multi-family housing development, which would require affordable housing development. The County will also consider alternatives, such as land dedication and/or payment of an in-lieu fee, with the fee adequately calibrated to be equivalent to the cost of constructing an affordable unit.

In July 2025, the Board of Supervisors adopted the Alameda County 10-Year Housing Plan prepared by the Department of Housing and Community Development. The plan includes Inclusionary Zoning as a possible source of affordable housing funding for the unincorporated areas.

## Inclusionary Zoning in California

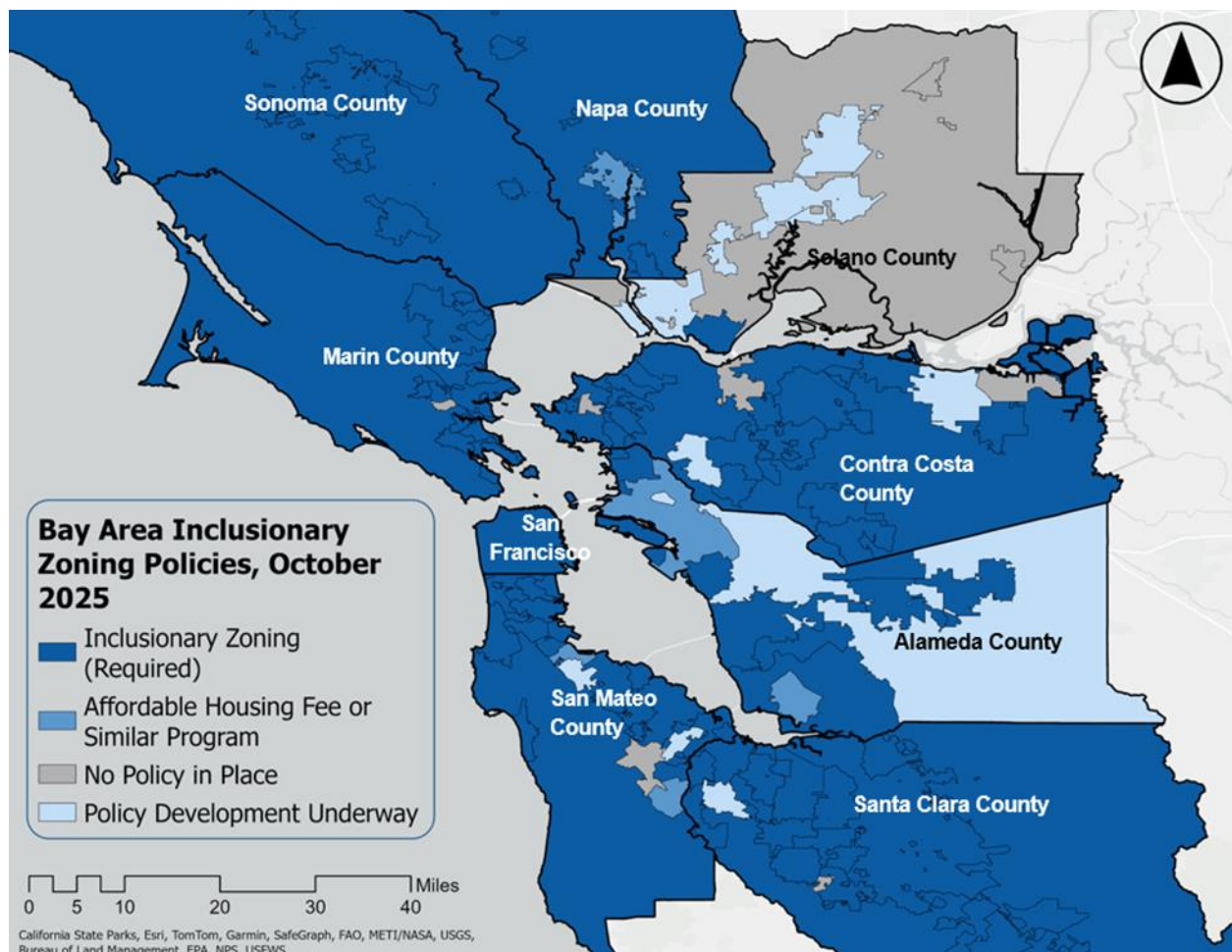


Figure 1: Bay Area Inclusionary Zoning Policies as of October 2025. Source: Metropolitan Transportation Council, Alameda County Planning Department. See Attachment C for a full list of cities and counties with existing Inclusionary Zoning policies.

Inclusionary Zoning has been practiced for over 50 years in the United States. It was first implemented in the early 1970s in the Washington, D.C. metro region. As of 2019, more than 700 jurisdictions have some kind of Inclusionary Zoning program nationwide. California is one of several states where Inclusionary Zoning is more common, in large part due to the acute need for affordable housing.

In 1996, 75 jurisdictions in California had Inclusionary Zoning ordinances of some kind. By 2003, 107 jurisdictions had Inclusionary Zoning programs, and as of 2019 there are 162 California cities and counties with Inclusionary Zoning programs. Please see citations for this information in Attachment B.

Table 2. Bay Area Inclusionary Zoning Policies as of October 2025.

| Housing Policy or Program                                                                | Number of Bay Area Jurisdictions | Percentage of Bay Area Jurisdictions |
|------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------|
| Inclusionary Zoning (Required)                                                           | 82                               | 75.2%                                |
| Affordable Housing Fee or Similar Program                                                | 5                                | 4.6%                                 |
| No Policy in Place                                                                       | 10                               | 9.2%                                 |
| Policy Development Underway                                                              | 12                               | 11.0%                                |
| <i>Total</i>                                                                             | 109                              | 100.0%                               |
| <i>Sources: Metropolitan Transportation Council, Alameda County Planning Department.</i> |                                  |                                      |

As described in Table 2, eighty-two Bay Area jurisdictions (75%) use Inclusionary Zoning. Ten jurisdictions (9%) have no policy in place and are not actively developing one. Twelve jurisdictions (11%), including Alameda County, have committed to developing an Inclusionary Zoning policy through their Housing Element or are actively doing so. The same information is depicted in Figure 1, above.

The Affordable Housing Policies project is an opportunity for Alameda County to join with the majority of Bay Area cities and counties in supporting affordable housing production through Inclusionary Zoning.

Today, Solano County is the only Bay Area county without an Inclusionary Zoning policy or commitment to develop one. Within Alameda County, Piedmont has also committed to developing a policy this Housing Element period, and all other cities in Alameda County either have Inclusionary Zoning or a related program in place. The cities of San Leandro and Hayward have had Inclusionary Zoning programs since 2004, and the cities of Pleasanton and Livermore since 2000.

See Attachment C for the list of Bay Area cities and counties that require Inclusionary Zoning, have an Affordable Housing fee, have no policy in place, or are developing a policy.

## Ministerial Review

The Ministerial Review (or Ministerial Approval) Policy aims to expand the County's existing ministerial approval policies in place to meet MTC's TOC Policy. Ministerial approval is a review and approval process for new residential or mixed-use projects with minimal subjective judgment by staff or decision-making bodies. If applicable requirements and objective standards are met, ministerial approval results in a shorter review and approval process than the standard discretionary site development review process, which requires approval by a public official or commission for the project to be entitled.

In Alameda County, the regulations and policies include the Zoning Code, general plan, specific plans, and the Residential Design Standards and Guidelines. All parts of the regulations and policies have been publicly reviewed and adopted by the Board of Supervisors. Ministerial

approval does not alter the Building Department's review process, and projects must comply with the Building Code and applicable state laws.

Many residential developments in the urban unincorporated areas would already qualify for existing California Environmental Quality Act (CEQA) exemptions, such as those for infill housing development or for projects within a specified distance from public transportation. Developments using ministerial approval are also exempt from CEQA.

An effective Ministerial Approval policy will significantly reduce the turnaround time of housing projects by expediting the approval process and reducing development risk by providing more certainty in the approval process. For existing neighbors and residents, Ministerial Approval ensures that adopted standards are upheld and incentivizes the inclusion of housing for families of all incomes.

- State Law currently requires Ministerial Approval processes for some projects: State laws SB 35 (2017) and SB 423 (2023): multi-family housing projects proposed in most parts of the urban unincorporated areas that meet existing Objective Design Standards (ODS) and included at least 10% affordable housing units can qualify for Ministerial Approval under this law.
- Housing Element Overlay Combining District: residential projects of a specified density proposed on parcels included in the 6<sup>th</sup> Cycle Housing Element Sites Inventory that comply with relevant ODS qualify for Ministerial Approval.

The TOC Policy lists specific standards for a compliant Ministerial Approval policy. In this instance, residential projects that exceed the affordability requirements set by an adopted Inclusionary Zoning policy could then use the Ministerial Approval process. See Attachment A for a full summary of these standards as of October 2025.

#### Relevant Previous Work

In compliance with state law and the current County Zoning Ordinance, County Planning staff regularly provide ministerial approval for certain kinds of residential development, such as Accessory Dwelling Units under 800 square feet. Staff are working with the consultant M-Group under a separate project to fully organize and finalize the department's Ministerial Approval process for a subset of future housing projects. M-Group will also develop ODS for residential developments with a density of more than 86 dwelling units per acre, to be shared publicly in early 2026.

#### **Affordable Housing Policies Actions & Next Steps**

On September 9, 2025, the Board of Supervisors approved a contract with Street Level Advisors (SLA) to work with the Planning Department on the development of the Affordable Housing policies - Inclusionary Zoning Ordinance and a Ministerial Approval Ordinance. The project is

expected to conclude by July 1, 2027. The Affordable Housing Policies project timeline is outlined in Table 3.

For the development of the Inclusionary Zoning ordinance, SLA will begin interviewing developers and collecting relevant data to draft an economic feasibility study. They will lead targeted engagement with key stakeholders, including recent developers and housing policy experts, as well as a community meeting. Information gathered through the study and engagement work will inform SLA's recommendations on the Inclusionary Zoning policy and alternative compliance methods. Together, staff and SLA will write a draft ordinance.

For the Ministerial Approval policy, SLA will analyze relevant state and local laws regarding streamlined review. They will then develop a Ministerial Approval feasibility and consistency report. Staff will work with SLA to write a draft ordinance.

Engagement will include regular updates to the Municipal Advisory Councils (MACs) and Planning Commission (PC), including requests for comments on preliminary policy drafts. In addition, regular email updates to interested community members will be provided through existing email listservs.

Table 3. Project Timeline

|                            |                                                                                                                                                                                                                                                                                     |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| End of 2025 and Early 2026 | <ul style="list-style-type: none"><li>• Informational Presentations to MACs, PC, Board of Supervisors subcommittees, and community groups</li><li>• Individual developer interviews about development trends and project-level economics in unincorporated Alameda County</li></ul> |
| Winter/Spring 2026         | <ul style="list-style-type: none"><li>• Hold focus groups with developers, advocates, and service providers</li><li>• Hold community meeting</li><li>• Hold first Ad Hoc MAC Subcommittee</li></ul>                                                                                 |
| Late 2026                  | <ul style="list-style-type: none"><li>• Subsequent Ad Hoc Subcommittee meeting(s)</li><li>• Studies Completed</li></ul>                                                                                                                                                             |
| Early 2027                 | <ul style="list-style-type: none"><li>• Preliminary Ordinances available for comments</li><li>• Second draft of ordinances publicized</li></ul>                                                                                                                                     |
| Spring 2027                | <ul style="list-style-type: none"><li>• Presentations for recommendation for adoption of draft ordinances</li></ul>                                                                                                                                                                 |
| July 2027                  | <ul style="list-style-type: none"><li>• Project completed</li></ul>                                                                                                                                                                                                                 |

### **Ad Hoc Subcommittee on Affordable Housing**

The Brown Act allows for ad hoc, or temporary, subcommittees. Ad hoc subcommittees must have a defined purpose and specified timeline, and serve in an advisory capacity, i.e. subcommittee members do not have decision-making power. Ad hoc subcommittee meetings do not require noticing or posting.

Staff propose the formation of an ad hoc subcommittee to advise and provide individual feedback throughout the development of the Inclusionary Zoning and Ministerial Approval policies. The subcommittee would exist for the duration of the project, expected to end July 1, 2027.

A maximum of two or three members from each Municipal Advisory Council may be appointed, depending on the total number of members, to ensure there is no quorum from any individual body. Staff and SLA will host 2 to 4 meetings over the course of the project, subject to project duration. Staff requests that your Council create an Ad Hoc Subcommittee on Affordable Housing and appoint up to three members to serve on the subcommittee.

### **CONCLUSION**

Staff requests that your Council create an Ad Hoc Subcommittee on Affordable Housing Production Policies: Inclusionary Zoning and Ministerial Review and appoint up to three members to serve on the subcommittee.

### **Attachments:**

Attachment A: The Transit-Oriented Communities Policy and Requirements

Attachment B: Citations on California Inclusionary Zoning

Attachment C: Bay Area Inclusionary Zoning Policies

Attachment D: December 8, 2025 CV MAC Presentation - Introduction to Inclusionary Zoning and Ministerial Review for Affordable Housing

Attachment E: January 26, 2026 CV MAC Presentation

## ATTACHMENT A:

### The Transit-Oriented Communities Policy and Requirements

The Transit-Oriented Communities (TOC) Policy sets specific standards for Inclusionary Zoning and Ministerial Approval. The intention of the grant awarded to Alameda County is to develop compliant policies, but the County is not obligated to do so.

The following information was summarized from the May 2025 Transit-Oriented Communities Policy Administrative Guidelines. The complete Administrative Guidelines can be found here: <https://mtc.ca.gov/planning/land-use/transit-oriented-communities-toc-policy>.

For an Inclusionary Zoning Policy to comply with the TOC Policy, it must:

- ◆ Apply to newly constructed residential or mixed-use residential projects for ownership and rental units.
- ◆ Require that a minimum of 15% of units be deed-restricted affordable housing units, as described in Table 1. The income mix must meet these standards, regardless of the results of the financial feasibility analysis.
- ◆ Set binding maximum rent or price restrictions to ensure affordability for the length of time described in Table 1.

Table 1. Affordability Requirements for TOC-compliant Inclusionary Zoning

|                 | Average Policy AMI | Maximum AMI for any individual unit | Minimum length of deed-restricted affordability |
|-----------------|--------------------|-------------------------------------|-------------------------------------------------|
| Rental Units    | 80% or lower       | 120%                                | 55 years                                        |
| Ownership Units | 120% or lower      | 150%                                | 45 years                                        |

- ◆ Include alternative means of compliance. Additional justification is required for in-lieu fees of less than \$100,000 per affordable unit.
- ◆ Include a management plan for monitoring and implementation that outlines procedures for annual monitoring to ensure that residents are income-eligible and that rents are consistent with program guidelines.

Additionally, a compliant Inclusionary Zoning Policy may:

- ◆ Exempt properties with fewer than 11 units, student housing, 100% affordable housing, senior housing, or other special housing types.
- ◆ Require less than 15% affordable units if one of the following applies:
  - ◆ The jurisdiction provides an analysis showing that an alternative requirement is economically equivalent to the 15% standard (for example, a policy that required

fewer units at a deeper affordability level, such as 10% of units affordable to households earning less than 50% of AMI).

- ◆ A financial feasibility analysis (completed within 24 months of the date that inclusionary zoning policy was adopted) found that a 15% requirement was not feasible.
- ◆ Require more than 15% affordable units. In this instance, HCD is allowed to request a feasibility study per AB 1505.

For a Ministerial Approval Policy to comply with the TOC Policy, it must:

- ◆ Either grant ministerial approval to any project with 11+ units where at least 15% of units are deed-restricted affordable housing units; or grant ministerial approval for projects with 11+ units whose share of affordable units exceeds any existing local inclusionary zoning requirements and provides more affordable housing units or deeper affordability than would be required under state density bonus rules (given the bonus density obtained by the project).
- ◆ Define affordable units as described in Table 2.
- ◆ Set binding maximum rent or price restrictions to ensure affordability for the length of time described in Table 2.

Table 2. Affordability Requirements for TOC-Compliant Ministerial Approval

|                 | Maximum Affordability AMI for any individual unit | Minimum length of deed-restricted affordability |
|-----------------|---------------------------------------------------|-------------------------------------------------|
| Rental Units    | 80%                                               | 55 years                                        |
| Ownership Units | 120%                                              | 45 years                                        |

- ◆ Comply with parking requirements outlined in Table 3. These requirements are also describe in Table 12 of MTC's TOC Policy Administrative Guidance

Table 3. Parking Management Requirements for New Residential Development within the TOC Station Areas

|                                                            |                                                                                                                                                                              |
|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Tier 2 Station Areas (Bay Fair Station Area)               | <p>Parking minimum requirements not allowed.</p> <p>Parking maximum of 0.5 spaces per unit or lower.</p> <p>Minimum of 1 secure bicycle parking space per dwelling unit.</p> |
| Tier 3 Station Areas (Downtown Castro Valley Station Area) | <p>Parking minimum requirements not allowed.</p> <p>Parking maximum of 1.0 spaces per unit or lower.</p> <p>Minimum of 1 secure bicycle parking space per dwelling unit.</p> |

## **ATTACHMENT B:**

### **Citations on California Inclusionary Zoning**

California Coalition for Rural Housing and Non-Profit Housing Association of Northern California. 2004. "Inclusionary Housing in California: 30 Years of Innovation." *Inclusionary Zoning: The California Experience* 3 (1): 47.

Wang, Ruoniu, and Sowmya Balachandran. 2023. "Inclusionary Housing in the United States: Dynamics of Local Policy and Outcomes in Diverse Markets." *Housing Studies* 38 (6): 1068–87. <https://doi.org/10.1080/02673037.2021.1929863>.

## ATTACHMENT C

### Bay Area Inclusionary Zoning Policies, October 2025

| County              | Has Inclusionary Zoning Policy                                                                                 |                                                                                                      | Affordable Housing Fee or Similar Policy | Commitment to or Ongoing Development of an Inclusionary Zoning Policy | No Inclusionary Zoning Policy in Place |
|---------------------|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|------------------------------------------|-----------------------------------------------------------------------|----------------------------------------|
| Alameda County      | Alameda<br>Albany<br>Dublin<br>Fremont<br>Hayward                                                              | Livermore<br>Pleasanton<br>San Leandro<br>Union City                                                 | Newark<br>Oakland                        | Unincorporated Alameda<br>County<br>Piedmont                          |                                        |
| Contra Costa County | Brentwood<br>Clayton<br>Concord<br>Unincorporated Contra Costa<br>County<br>Danville<br>El Cerrito<br>Hercules | Lafayette<br>Moraga<br>Pinole<br>Pittsburg<br>Pleasant Hill<br>Richmond<br>San Ramon<br>Walnut Creek |                                          | Antioch<br>Orinda                                                     | Martinez<br>Oakley<br>San Pablo        |
| Marin County        | Corte Madera<br>Fairfax<br>Larkspur<br>Unincorporated Marin County<br>Mill Valley                              | Novato<br>San Anselmo<br>San Rafael<br>Sausalito<br>Tiburon                                          |                                          |                                                                       | Belvedere<br>Ross                      |
| Napa County         | American Canyon<br>Calistoga<br>Unincorporated Napa County                                                     | St. Helena<br>Yountville                                                                             | City of Napa                             |                                                                       |                                        |
| San Francisco       | San Francisco                                                                                                  |                                                                                                      |                                          |                                                                       |                                        |

|                       |                                                                                                                       |                                                                                                                                                       |            |                                                  |                                                       |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|------------|--------------------------------------------------|-------------------------------------------------------|
| San Mateo<br>County   | Belmont<br>Brisbane<br>Colma<br>Daly City<br>East Palo Alto<br>Foster City<br>Half Moon Bay<br>Menlo Park<br>Millbrae | Pacifica<br>Portola Valley<br>Redwood City<br>San Bruno<br>San Carlos<br>San Mateo<br>Unincorporated<br>San Mateo<br>County<br>South San<br>Francisco | Burlingame | Hillsborough                                     | Woodside                                              |
| Santa Clara<br>County | Campbell<br>Cupertino<br>Los Altos<br>Los Gatos<br>Milpitas<br>Morgan Hill<br>Mountain View                           | Palo Alto<br>San Jose<br>Santa Clara<br>Unincorporated<br>Santa Clara<br>County<br>Saratoga<br>Sunnyvale                                              |            | Gilroy<br>Los Altos Hills                        | Monte Sereno                                          |
| Solano<br>County      | Benicia                                                                                                               |                                                                                                                                                       |            | Fairfield<br>Suisun City<br>Vacaville<br>Vallejo | Dixon<br>Rio Vista<br>Unincorporated Solano<br>County |
| Sonoma<br>County      | Cloverdale<br>Cotati<br>Healdsburg<br>Petaluma<br>Rohnert Park                                                        | Santa Rosa<br>Sebastopol<br>Sonoma City<br>Unincorporated<br>Sonoma County<br>Windsor                                                                 |            |                                                  |                                                       |



## **Castro Valley Municipal Advisory Council**

Monday, December 8, 2025

**Introduction to Inclusionary Zoning and Ministerial Review for Affordable Housing, consideration of the creation of an Ad Hoc Subcommittee for Affordable Housing, and appointment of up to two members to the Ad Hoc Subcommittee – Action Item**

**Planning Staff:** Angelica González & Olivia Ortiz

## Transit-Oriented Communities Policy (TOC Policy)

- **TOC Policy Purpose:** Ensure communities around transit stations support transit ridership as well as the lives of residents of all abilities, income levels, and racial and ethnic backgrounds.
- **County Begins Affordable Housing Production Policy TOC Work:** The County is beginning work on the TOC Policy, with the Affordable Housing component first.

| TOC Policy Components                                                                                                                                                                                  |                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Applicable to ½ mile TOC Station Areas                                                                                                                                                                 | Applicable to all Unincorporated Areas                                                                                           |
| <ol style="list-style-type: none"> <li>1. Residential and commercial office densities for new development</li> <li>2. Transit station access and circulation</li> <li>3. Parking management</li> </ol> | <ol style="list-style-type: none"> <li>4. <b>Affordable Housing Production, Preservation, and Protection Policies</b></li> </ol> |

# Affordable Housing Policy Background

**March 26, 2025:** MTC awarded the Alameda County Community Development Agency (CDA) \$400,000 to develop and consider ordinances compliant with three Affordable Housing TOC Policies.

**September 9, 2025:** BOS accepted \$400,000 for Affordable Housing TOC Policy development and approves contract with Street Level Advisors.

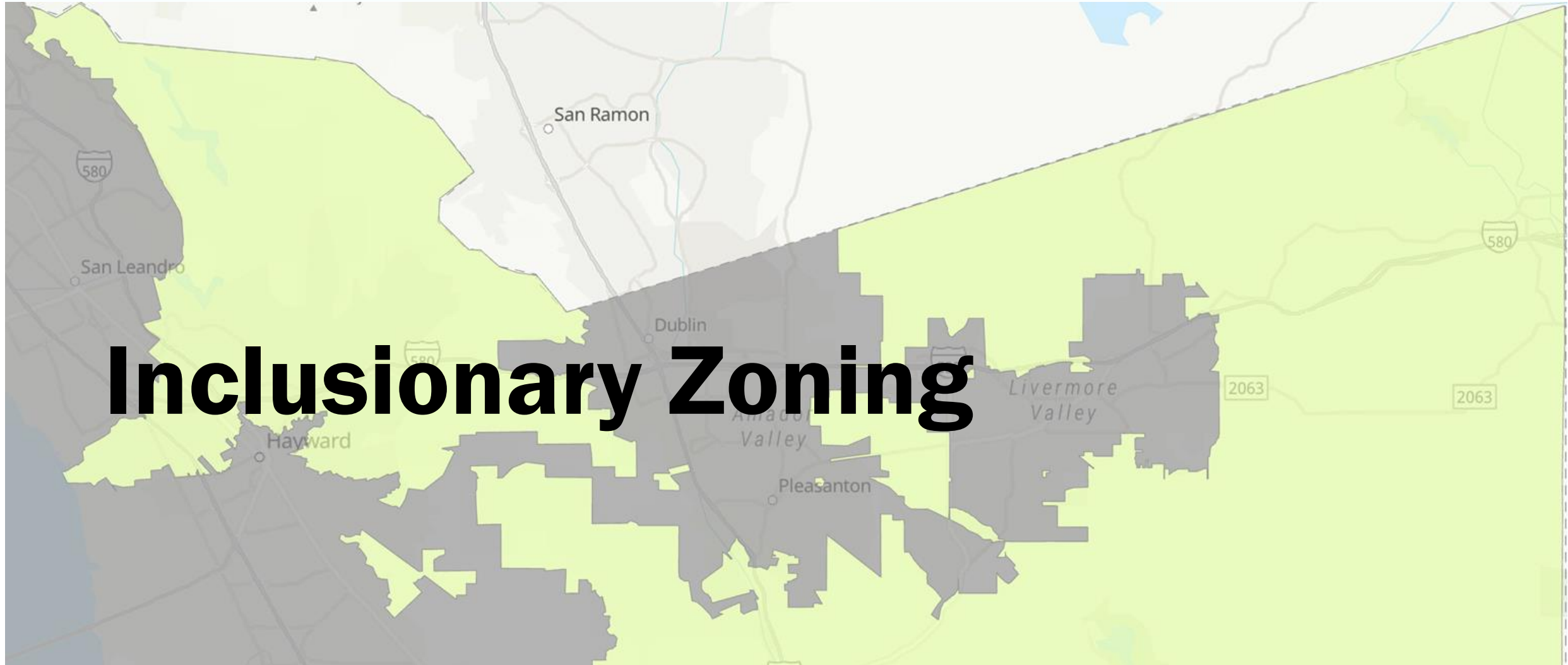
## \$400,000 Affordable Housing TOC Grant

\$280,000 for development of Inclusionary Zoning and Ministerial Approval Ordinances by Planning Dept. and Street Level Advisors

\$120,000 for development of Tenant Anti-Harassment Ordinance by Dept. of Housing and Community Development



# Inclusionary Zoning



# What is Inclusionary Zoning?

- Inclusionary Zoning is a way of incorporating affordable housing into new, market-rate residential development. It does not change the density of a development.
  - Include a set percentage of affordable units
  - OR **contribute** to affordable housing production through alternate means.
- Applies to new ownership and rental developments.





# Basic Components of Inclusionary Zoning

| Component                                           | Example                                                                                                                                                                                                                 |
|-----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A minimum percentage of required affordable housing | In San Leandro, 9% of rental units in a new development need to be affordable to households with at most 50% AMI, and 6% of rental units in a new development need to be affordable to households with at most 60% AMI. |
| Number of years of deed-restricted affordability    | In Dublin, units for purchase developed through Inclusionary Zoning must stay affordable for minimum 55 years.                                                                                                          |
| Alternate means of compliance required by AB 1505   | Paying a set fee per unit, called in-lieu fees; dedicating other land to affordable housing; or building affordable housing on a different site.                                                                        |

# Relevant Previous Work

**2004:** BOS adopted updated Housing Element and committed to exploring Inclusionary Zoning.

**2008:** CDA staff worked with consultant to begin developing a policy. The project did not move forward due to the housing market and the 2009 case, *Palmer/Sixth Street Properties v. City of Los Angeles*.

**2016:** CDA studied possible affordable housing fees. The recommendations were not pursued.

**December 2024:** BOS adopted *6<sup>th</sup> Cycle Housing Element* and committed to consider an Inclusionary Zoning Policy (Program 6.J) and pursue TOC Compliance (Policy 3.8).

**July 2025:** BOS adopted the *10-Year Housing Plan* prepared by the Housing and Community Development Department, which includes Inclusionary Zoning as a possible source of affordable housing funding for the unincorporated communities.

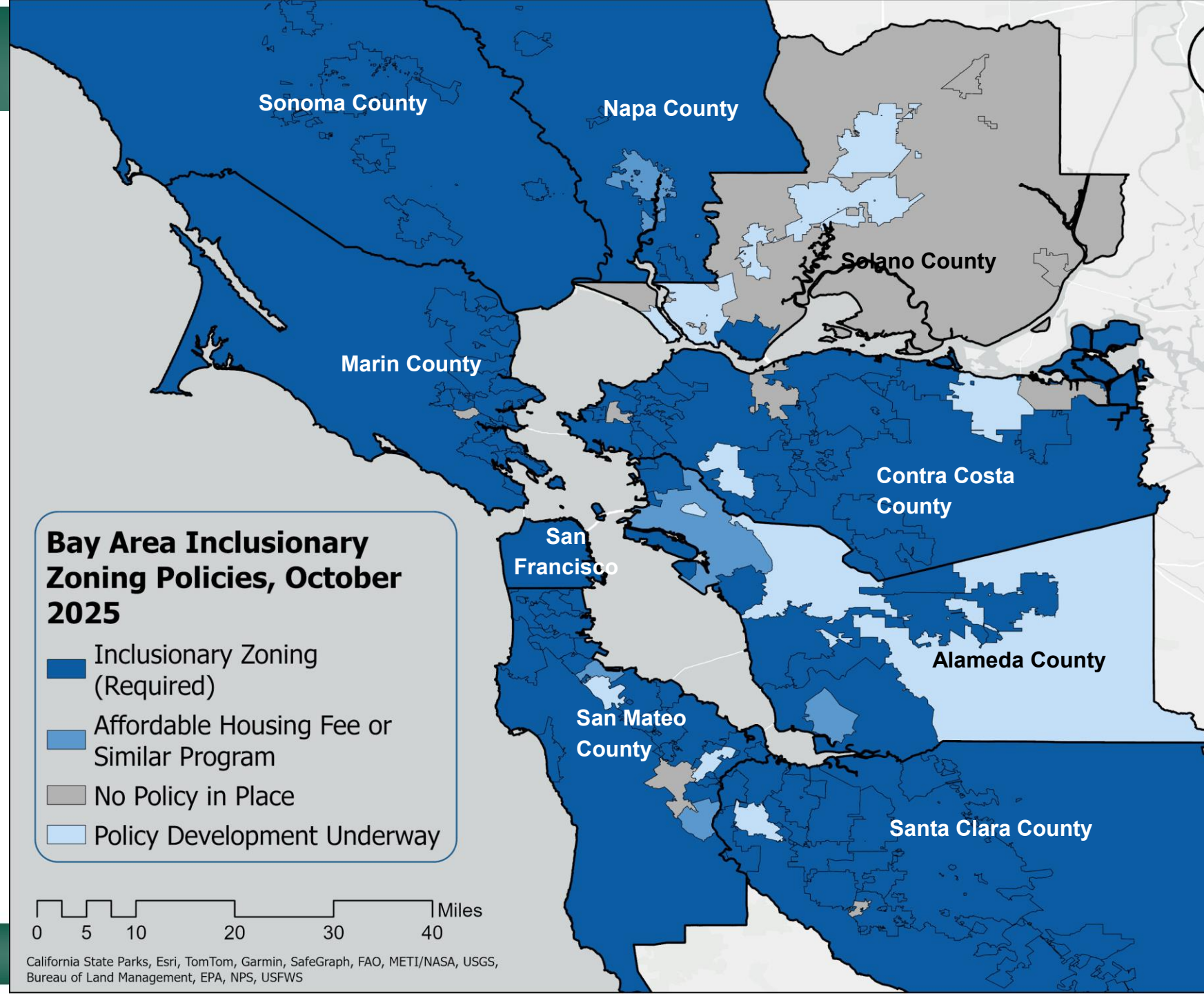


# Inclusionary Zoning in the Bay Area

| Housing Policy or Program                   | # of Bay Area Jurisdictions | % of Bay Area Jurisdictions |
|---------------------------------------------|-----------------------------|-----------------------------|
| Inclusionary Zoning (Required)              | 82                          | 75.2%                       |
| Affordable Housing Fee or Similar           | 5                           | 4.6%                        |
| No Policy in Place                          | 10                          | 9.2%                        |
| Policy Development Underway or Committed to | 12                          | 11.0%                       |
| <i>Total</i>                                | <i>109</i>                  | <i>100.0%</i>               |

Sources: Metropolitan Transportation Council, Alameda County Planning Department. October 2025.

# Inclusionary Zoning in California





# Ministerial Approval



# What is Ministerial Approval?

- A shortened review and approval process for new residential or residential mixed-use projects consistent with TOC Policy
- Streamlined reviewing processes ensure that adopted standards are upheld. Those include the Zoning Code, general plan, specific plans, and the Residential Design Standards and Guidelines
- Minimal subjective judgment by staff or decision-making bodies.
- Ministerial approval does not alter the Building Department's review process.

ALAMEDA COUNTY  
Community Development Agency

PLANNING DEPARTMENT

2014  
**Residential Design Standards and Guidelines**  
For the Unincorporated Communities of West Alameda County



Table 2.5-1: Multi-Family Residential Standards

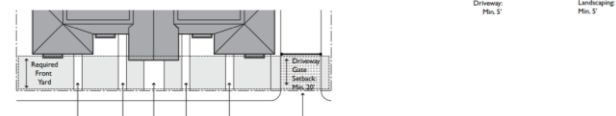
ACBD: Ashland and Cherryland Business District / CVCBD: Castro Valley Central Business District

| Standard                                   | Medium Density Residential                                                                                                                                                                                                                                                                                           |                 |                                                               |         | High Density Residential                      |                                       | Additional Standards |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------------------------------------------------------|---------|-----------------------------------------------|---------------------------------------|----------------------|
|                                            | R-3, R-5-D20, R-5-D3                                                                                                                                                                                                                                                                                                 | R-5-D15, R-5-D3 | R-5-DV (with lot with a 100' lot area x 20,000 sq ft), R-5-D3 | ACBD-RC | CVCBD Land Use Group D (Subarea 4.5, 6.7, 11) | CVCBD Land Use Group E (Subarea 8, 9) | R-4                  |
| Height Exception                           | 35                                                                                                                                                                                                                                                                                                                   | 35              | 35                                                            | —       | —                                             | 55                                    | 75                   |
| Height Exception (For Projections)         | Non-habitable building features such as chimneys up to 6 feet in width, cupolas, flagpoles, monuments, steeples, roof screens, equipment, and similar structures, covering no more than 10 percent of the top floor roof area to which they are accessory, may exceed maximum permitted height standards by 6 feet.  |                 |                                                               |         |                                               |                                       |                      |
| Maximum Stories                            | 3                                                                                                                                                                                                                                                                                                                    | 3               | 3                                                             | 3       | 3                                             | 4                                     | —                    |
| Stories Exception                          | —                                                                                                                                                                                                                                                                                                                    | —               | —                                                             | —       | 4                                             | 5                                     | —                    |
| Maximum Floor Area (%)                     | First Story: 100%<br>Second Story: 90%<br>Third Story: 80%<br>Fourth Story (if allowed): 75%<br>Fifth Story (if allowed): 75%                                                                                                                                                                                        |                 |                                                               |         |                                               |                                       |                      |
| Maximum Building Length (%)                | 150                                                                                                                                                                                                                                                                                                                  | 150             | 150                                                           | 150     | 150                                           | 150                                   | 150                  |
| Exceptions                                 | Exceptions may be approved by Staff if buildings are designed with many different setbacks (instead of a long flat wall), changes in roof form or height, and major recesses (notches) along the length of the building, which successfully break-up the massing of the building. Parking podiums may be continuous. |                 |                                                               |         |                                               |                                       |                      |
| <b>BUILDING RELATIONSHIP TO THE STREET</b> |                                                                                                                                                                                                                                                                                                                      |                 |                                                               |         |                                               |                                       |                      |
| Maximum Front Yard Paving (%)              | 50                                                                                                                                                                                                                                                                                                                   | 50              | 50                                                            | 50      | 50                                            | 50                                    | 50                   |
| Street Facing Facade Design                | Required. Street facing facades must be designed to orient towards the public street. Windows, entry door, and other elements must be incorporated to create an attractive street appearance that is compatible with the surrounding neighborhood.                                                                   |                 |                                                               |         |                                               |                                       |                      |

Figure 2.5-3: Multi-Family Residential: Elevation



Figure 2.5-4: Multi-Family Residential: Front Yard Paving



# What is Ministerial Approval?

- A TOC-compliant Ministerial Approval policy would apply to new residential projects or new residential mixed-use projects that exceed the affordability requirements set by an adopted Inclusionary Zoning policy to meet MTC's TOC Policy requirements.
- The intention of this policy is to incentivize the production of affordable housing that is inclusive of housing for families of all incomes.

# **Relevant Previous and Existing Work**

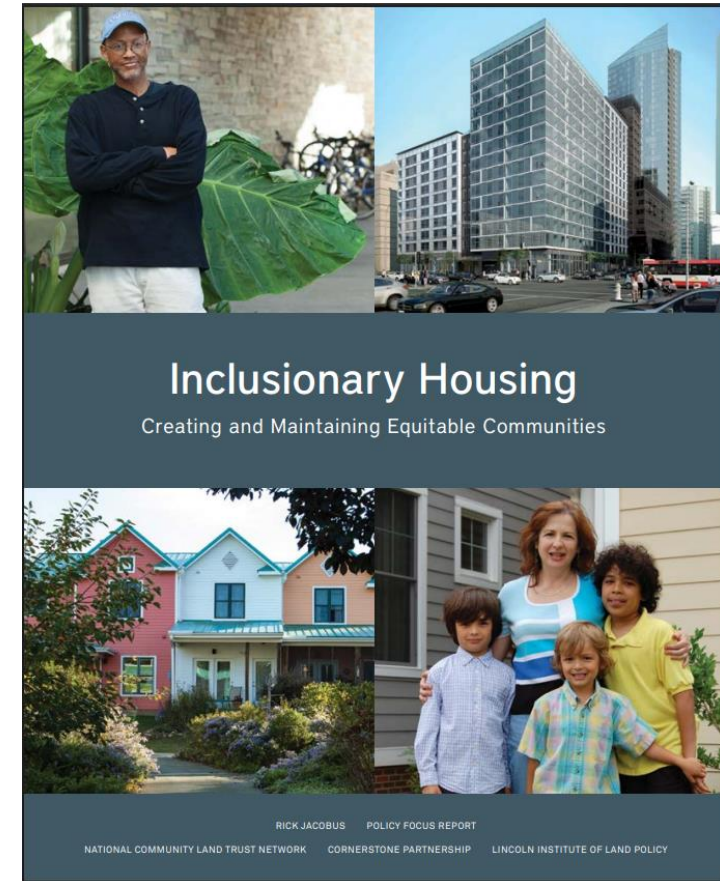
- Existing processes consistent with state laws, such as SB 35 (2017) and SB 423 (2023); AB 2162 (2018); and AB 101 (2019)

## **6<sup>th</sup> Cycle Housing Element**

- Housing Element Overlay Combining District and Program 1.H
- Current work with M-Group to fully organize and finalize the department's Ministerial Approval process for a subset of future housing projects.

# Project Consultants: Street Level Advisors

- Contract approved September 9, 2025
- Based in Alameda County
- 20+ years of experience in housing policy



# Next Steps: Project Timeline

|                                       |                                                                                                                                                                                                                                                                                                                            |                                                 |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| <b>End of 2025<br/>and Early 2026</b> | <ul style="list-style-type: none"> <li>• Informational Presentations to MACs, PC, Board of Supervisors subcommittees, and community groups</li> <li>• Website with information</li> <li>• Individual developer interviews about development trends and project-level economics in unincorporated Alameda County</li> </ul> | <div> <div>We are here</div> <div></div> </div> |
| <b>Early 2026</b>                     | <ul style="list-style-type: none"> <li>• Focus groups with developers, advocates, and service providers</li> <li>• Community meeting and subsequent informational MAC updates</li> <li>• Ad Hoc MAC Subcommittee Meeting</li> </ul>                                                                                        |                                                 |
| <b>Late 2026</b>                      | <ul style="list-style-type: none"> <li>• Subsequent Ad Hoc Subcommittee meeting(s)</li> <li>• Studies Completed</li> </ul>                                                                                                                                                                                                 |                                                 |
| <b>Early-mid 2027</b>                 | <ul style="list-style-type: none"> <li>• Preliminary Ordinances available for comments</li> <li>• Second draft of ordinances publicized</li> </ul>                                                                                                                                                                         |                                                 |

# Next Steps: Project Timeline

|             |                                                                                                                     |
|-------------|---------------------------------------------------------------------------------------------------------------------|
| Spring 2027 | <ul style="list-style-type: none"><li>• Presentations for recommendation for adoption of draft ordinances</li></ul> |
| July 2027   | <ul style="list-style-type: none"><li>• Adoption</li></ul>                                                          |

# **Ad Hoc Subcommittee on Affordable Housing: Inclusionary Zoning and Ministerial Approval**

- An ad hoc, or temporary, subcommittee has a defined purpose, specified timeline, and serve in an advisory capacity.
- Supplements engagement process by incorporating additional opportunities to meet with MAC members throughout the process
- Up to 2 members from Fairview MAC may be appointed
- 2 to 4 meetings over the course of the project
- Expected to conclude before July 2027



# Staff Recommendations

- Take public testimony.
- Provide comments on the Affordable Housing Production Policy efforts.
- Consider creation of an Ad Hoc Subcommittee on Affordable Housing: Inclusionary Zoning and Ministerial Approval and appoint up to two members to serve on the subcommittee.



# Questions / Comments

**Angelica González, Senior Planner**

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**Olivia Ortiz, Planner III**

[Olivia.Ortiz@acgov.org](mailto:Olivia.Ortiz@acgov.org)

## **Castro Valley Municipal Advisory Council**

Monday, January 26, 2026

**Introduction to Inclusionary Zoning and Ministerial Review for Affordable Housing, consideration of the creation of an Ad Hoc Subcommittee for Affordable Housing, and appointment of members to the Ad Hoc Subcommittee – Action Item**

**Planning Staff:** Angelica González & Olivia Ortiz

# **Ad Hoc Subcommittee on Affordable Housing: Inclusionary Zoning and Ministerial Approval**

- An ad hoc, or temporary, subcommittee has a defined purpose, specified timeline, and serve in an advisory capacity.
- Supplements engagement process by incorporating additional opportunities to meet with MAC members throughout the process
- Up to 3 members from Castro Valley MAC may be appointed
- 2 to 4 meetings over the course of the project
- Expected to conclude before July 2027



# Draft Subcommittee Schedule

|    | Timing                                                 | Expected Meeting Topic                                                                                                   |
|----|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| 1  | Early Spring 2026                                      | Staff and consultants will lead a more detailed discussion on Inclusionary Zoning and request comments on policy design. |
| 2  | Late Summer 2026, once feasibility studies are drafted | Staff and consultants will share preliminary study findings and recommendations and request comments and feedback.       |
| 3* | Late 2026/Early 2027, as ordinances are being drafted  | Staff and consultants will lead discussion on policy framework and request comments and feedback.                        |
| 4* | Spring 2027                                            | Staff and consultants will lead discussion on draft ordinances and request comments and feedback.                        |

\* = Optional meetings

Topics and timing subject to change, dependent on progress of overall project.



# Staff Recommendations

Consider creation of an Ad Hoc Subcommittee on Affordable Housing: Inclusionary Zoning and Ministerial Approval and appoint up to three members to serve on the subcommittee.



# Questions / Comments

**Angelica González, Senior Planner**

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