

CITY OF ALAMEDA PLANNING BOARD

DRAFT RESOLUTION

RECOMMENDING TO CITY COUNCIL THAT IT ADOPT AMENDMENTS TO THE ALAMEDA MUNICIPAL CODE AT SECTIONS 30-2, 30-5, AND 30-20 ET SEQ. NON-CONFORMING BUILDINGS AND USES, TO REINSTATE PROVISIONS RELATING TO NON-CONFORMING LOTS THAT WERE INADVERTENTLY DELETED DURING THE MOST RECENT CODE UPDATE, AND ADDRESS OTHER OUTDATED SECTIONS RELATING TO NON-CONFORMING USES AND BUILDINGS; AND FIND THAT THE AMENDMENTS ARE EXEMPT FROM ENVIRONMENTAL REVIEW

WHEREAS, on November 15, 2022, the City Council adopted the City of Alameda Housing Element, which includes quantified objectives for housing production based on policies and programs, and prompted an update to the Alameda Municipal Code, during which certain code sections regarding non-conforming lots were inadvertently deleted; and

WHEREAS, the Planning Board held a duly noticed public hearing on September 11, 2023 to conduct a study session on the proposed amendments regarding non-conforming buildings and uses, and provided feedback to staff on revisions to the draft amendments to be made before a recommendation to City Council; and

WHEREAS, the Planning Board held a duly noticed public hearing on April 22, 2024, to consider the revised amendments and CEQA determination, and received testimony related to the proposed amendments regarding non-conforming buildings and uses, and made a recommendation to the City Council to adopt the revised amendments.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Alameda, as follows:

1. The amendments maintain the integrity of the General Plan. The proposed amendments are consistent with the City of Alameda's General Plan, including Housing Element goals, policies, and programs, as well as the Land Use Element policies which identified the importance of rehabilitation, restoration, and reuse of existing structures, which is facilitated by the proposed zoning text amendments.

2. The amendments will support the general welfare of the community. The proposed amendments provide a better-defined set of regulations for facilitating the continuation of legal non-conforming buildings and uses and improves clarity in the regulations to maintain consistency with other applicable laws and regulations.

3. The amendments are equitable. The proposed amendments are equitable in that they will apply broadly to the entire community, provide streamlined approval, and clarify the regulations so that the community is able to be informed and participate in the decision-making process.

4. The amendments are exempt from the California Environmental Quality Act. The proposed amendments are exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3), which exempts an action where it can be seen with certainty that the proposed project will not have a significant effect on the environment. Amending the zoning code for the purpose of greater clarity and internal consistency will not result in any identifiable physical impacts, and the text amendments relate to legally existing uses and buildings, and a use permit would be required for expansions at which time specific impacts would be considered under separate environmental review.

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