

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

AMENDING ALAMEDA MUNICIPAL CODE CHAPTER XXX (DEVELOPMENT REGULATIONS) TO REINSTATE AND UPDATE SUBSECTION A. *EXCEPTIONS FOR NONCONFORMING LOTS* OF SECTION 30-5.6 BUILDING SITE, AREAS AND EASEMENTS, AS RECOMMENDED BY THE PLANNING BOARD. ENVIRONMENTAL REVIEW: THIS ACTION IS STATUTORILY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)

WHEREAS, on November 15, 2022, the City Council adopted the City of Alameda Housing Element, which quantified objectives for housing production based on policies and programs, and prompted an update to the Alameda Municipal Code, during which Code subsection a. *Exceptions for Nonconforming Lots* of Section 30-5.6 Building Site, Areas and Easements, regarding non-conforming lots was inadvertently deleted; and

WHEREAS, the City Council's 2023-2026 Strategic Plan includes program HH8d, to improve and streamline design review and building permit processes for housing per State law; 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 lots, buildings and uses, and on April 22, 2024 to consider the revised amendments and CEQA determination, and made a recommendation to the City Council to adopt the revised amendments; and

WHEREAS, this Ordinance was considered at a regular, duly noticed public hearing of the City Council on June 4, 2024, and all interested parties were provided an opportunity to participate in said hearing and express their views.

NOW, THEREFORE, the City Council of the City of Alameda does hereby ordain as follows:

Section 1. Findings. In enacting this ordinance, the City Council finds as follows:

1. **The amendments maintain the integrity of the General Plan.** The proposed amendments are consistent with the City of Alameda's housing goals, policies and programs, which would be furthered by amending the ordinance regarding nonconforming lots to reinstate inadvertently deleted provisions.
2. **The amendments will support the general welfare of the community.** The proposed amendments provide a restored process for approving projects associated with nonconforming lots and 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 and would clarify the regulation, thereby potentially reducing costs and possibly enabling broader participation.
4. **The amendments are exempt from the California Environmental Quality Act (CEQA).** 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 regarding regulations of nonconforming lots to restore previous provisions will not result in any identifiable physical impacts.

Section 2. Section 30-5.6(a) of the Alameda Municipal Code regarding nonconforming lots is hereby amended as follows:

30-5.6 Building Site, Areas and Easements

- a. Exceptions for Non-Conforming Lots. Any lot of record ~~existing prior to the effective date of this article, August 1, 1958, shall be considered a legal building site regardless of that does not conform to current lot area, width, depth, and/or frontage requirements is and may be used as such, subject to all applicable regulations of this article~~ subject to the following minimum required yards, unless a smaller yard is required by the current regulations.
 1. Interior Lots. The following regulations apply to non-conforming interior lots.
 - A. Front Yard. The front yard of a lot less than one hundred (100') feet deep shall be equal to the average of the setback of the adjoining properties having the same frontage. In computing the average, any adjoining setback greater than twenty (20') feet shall be considered as twenty (20') feet; provided, further, that in the absence of a building on the adjoining property, such property shall be assumed to have a setback of twenty (20') feet.
 - B. Rear Yard. The rear yard of a lot less than one hundred (100') feet deep shall be twenty (20%) percent of the average lot depth of the subject lot, but in no case less than twelve (12') feet.
 2. Corner Lots. The following regulations apply to non-conforming corner lots.
 - A. Front Yard. As regulated in paragraph a.1.A., except that on the street-side side yard the adjoining setback shall be assumed to be twenty (20') feet.
 - B. Rear Yard. As regulated in paragraph a.1.B.

Section 3. Severability. If any provision of this Ordinance is held by a court of competent jurisdiction to be invalid, this invalidity shall not affect other provisions of this Ordinance that can be given effect without the invalid provision and therefore the provisions of this Ordinance are severable. The City Council declares that it would have enacted each section, subsection, paragraph, subparagraph and sentence

notwithstanding the invalidity of any other section, subsection, paragraph, subparagraph or sentence.

Section 4. Implied Repeal. Any provision of the Alameda Municipal Code inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to effect the provisions of this Ordinance.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Section 6. Authority. This Ordinance is enacted pursuant to the City of Alameda's general police powers, Section 1-2 of the Charter of the City of Alameda, and Article XI of the California Constitution.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk
City of Alameda

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I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____ 2024, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this _____ day of _____ 2024.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Yibin Shen, City Attorney
City of Alameda