

## **Draft Work/Live Amendments**

July 8, 2019 Planning Board Study Session

AMC Chapter 30 (Development Regulations)

Article I. Zoning Districts and Regulations

Section 30-15 - WORK/LIVE STUDIOS.

30-15.1 - Purpose.

The intent of this section is to set forth regulations and standards for establishing and operating work/live studios as a primary commercial/industrial use, in which the proprietor would be allowed to reside as a secondary land use activity. The purposes of these provisions for work/live studios are:

- a. To provide for and make feasible the reuse of existing commercial or industrial buildings and related sites in the Northern Waterfront and other specified commercial, manufacturing, and industrial zoning districts as proposed in the Alameda General Plan;
- b. To provide cost-efficient alternative work space that will provide an incentive for entrepreneurs, business owners, artists, artisans, and other individuals to continue to work in Alameda and contribute to the City's economy;
- c. To reduce traffic and associated adverse impacts on air quality, energy resources, and the quality of life in the City by reducing the number and length of work-related trips by employed Alameda residents;
- d. To promote the preservation and reuse of commercial or industrial buildings that contribute to the historic character of the community in a manner that is consistent with other community goals and policies;
- e. To allow activities that are compatible with and will not compromise or interfere with existing and potential industrial or commercial uses in the districts where such work/live studios are established;
- f. To ensure that work/live studios will function predominantly as work spaces with incidental residential accommodations that meet basic habitability requirements in compliance with applicable regulations. No portion of any work/live studio shall be considered a "dwelling" as that term is defined in Sections 30-2 and 30-51.1;
- g. To ensure that the exterior design of structures converted to work/live use reflects the predominant industrial or commercial character of such buildings and will be compatible with adjacent commercial or industrial uses;
- h. To ensure that, where there is adjacent residentially zoned land, changes to the exterior of structures converted to work/live are designed to make the commercial or industrial building being converted more compatible with the adjacent residential area.

(Ord. No. 2784 N.S. § 6)

30-15.2 - Applicability.

Work/live studios are only allowed ~~in existing buildings that have been converted~~ subject to the approval of a use permit in the C-M (Commercial- Manufacturing), M-1 (Intermediate Industrial [Manufacturing]), CC (Community Commercial), C-1 (Neighborhood Commercial) and C-2 (Central Business), AP (Alameda Point), NP (North Park Street), MX (Mixed Use), and M-2 (General Industrial [Manufacturing]) Zoning Districts ~~within the area bounded as follows: On the west: Sherman Street as projected northerly to the Estuary; on the north: the Estuary; on the east: Tilden Way; on the south: Buena Vista Avenue.~~

(Ord. No. 2784 N.S. § 6)

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### 30-15.3 - Definitions.

The following definitions shall be applicable in this Article:

- a. *Living space* shall mean that portion of a work/live studio that is used for residential purposes including, but not limited to, a sleeping area, a food preparation area with reasonable work space, and a full bathroom including bathing and sanitary facilities which satisfy the provisions of applicable codes.
- b. *Work/live studio* shall mean a commercial or industrial unit with incidental residential accommodations occupying one (1) or more rooms or floors in a building primarily designed and used for industrial or commercial occupancy and providing:
  1. Adequate working space reserved for commercial or industrial use and regularly used for such purpose by one (1) or more persons residing in the studio;
  2. Living space as defined in subsection 30-15.3(a) and in accordance with the provisions of this section.
- c. *Adjacent* shall mean that properties share a common property boundary or are directly across a street right-of-way.

(Ord. No. 2784 N.S. § 6)

### 30-15.4 - Development Standards.

- ~~a. *Minimum Floor Area.* Each work/live studio shall include at least one thousand (1,000) square feet of gross floor area~~
- b. *Permitted Floor Area.* Not more than thirty (30%) percent ~~or four hundred (400) square feet, whichever is greater,~~ of the work/live studio shall be reserved for living space as defined in Section 30-15.3. The rest of the gross floor area of each work/live studio shall be reserved and regularly used for working space.
- c. *Separation Required.* Each work/live studio shall be separated from other work/live studios or other uses in the building. Access to each work/live studio shall be provided from common access areas, common halls or corridors, or directly from the exterior of the building.
- d. *Parking.* Each work/live studio shall have at a maximum of least one and one-half (1 1/2) parking spaces for up to one thousand (1,000) square feet of floor area plus one half (1/2) additional space for every additional five hundred (500) square feet of floor area above the first one thousand (1,000) square feet subject to compliance with all other applicable requirements ~~The provided parking shall comply with the requirements of Section 30-7. This parking requirement may be waived or modified if the following findings can be made in addition to any other findings required by the ordinance codified in this Section 30-15:~~
  - ~~1. That the proposed parking will be adequate to meet the demand created by the project given the character of the proposed uses; and~~
  - ~~2. That a waiver or modification of parking requirements will not, under the circumstances of the particular project, either conflict with nor adversely affect commercial or industrial uses or adjacent residentially zoned uses in the area where the project is proposed.~~
- ~~e. There shall not be less than two thousand (2,000) square feet of lot area for each work/live studio.~~ (Ord. No. 2784 N.S. § 6)

### 30-15.5 - Additional Requirements.

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- a. *Use Permit Required.* Each building that contains work/live studios shall be subject to a use permit, which shall include conditions of approval as required to assure adequate standards of health, safety, and welfare and consistency with the purposes for work/live studios set forth in this Chapter. Each work/live studio shall be subject to all conditions of approval for the building in which it exists unless the use permit states otherwise.
- b. *Work/Live Permit Required.* Each tenant or owner of an individual work/live studio must obtain a work/live permit prior to occupancy. Such permit shall be issued by the Planning Director based on a determination that the proposed occupancy is consistent with the approved use permit and all applicable requirements of this section. Application for a work/live permit shall be made to the Planning Department in writing on a form approved by the Department and shall be accompanied by a fee as set by resolution of the City Council.
- c. *Design of Work/Live Studios.* Subject to all applicable building and fire code requirements:
  1. Work/live studios shall be designed to accommodate commercial or industrial uses as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity; and
  2. Areas within a work/live studio that are designated as living space shall be an integral part of the work/live studio and not separated from the work space, except that mezzanines and lofts may be used as living space subject to compliance with other provisions of this Article. Examples of ways to integrate the work space and living space in compliance with this section include, but are not limited to, the following:
    - (a) Doors or solid walls between the work space and areas used for living space do not extend all the way to the ceiling, except for sanitary facilities and rooms used primarily for sleeping,
    - (b) There is a single entrance to the work/live studio,
    - (c) There are no walls separating the food preparation area from the work space,
    - (d) Only the sanitary facilities and rooms designated for sleeping are enclosed and all other portions of the living area are not separated from the work space.
- d. *Permitted Work Activity.* The work activity in a building where work/live units are allowed shall be any use permitted by right or use permit in the zoning district, except that, in order to protect the health and safety of persons who reside in a work/live studio or in a building which contains one (1) or more work/live studios, no work activity shall be permitted nor shall any work/live studio be established on any site that contains those uses which the Planning Director when considering a work/live permit or the Planning Board when considering a use permit, finds would, by virtue of size, intensity, number of employees or the nature of the operation, have the potential to create significant impacts by reason of dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other impacts, or would be hazardous by way of materials, process, product or wastes including, but not limited to: auto service/repair, vehicle sales or leasing, car washes, service stations, bars/lounges/night clubs, adult businesses, marine engine repair/refueling facilities, animal kennels/grooming/pet shops, liquor stores, veterinary offices/hospitals, funeral parlors/mortuaries, outdoor storage as a primary use, crematories/columbaria, dismantling facilities/scrap yards, public utility structures and facilities, tire sales/service, truck stops/repair.

Uses allowed under the foregoing paragraph that may, depending on how they are operated, also have the potential to generate impacts or would constitute a change in occupancy under the building code shall not be approved unless the Planning Director finds that as proposed to be conducted, or as modified by conditions of use permit, they would not conflict with or adversely affect existing work uses in the building and in the area where the work/live studio is located. No use shall be approved where, given the design or proposed design of the work/live studio, there would be the potential for adverse health impacts from the proposed use on the people residing in the studio. An example of a potential health impact is the potential for food contamination from uses which generate airborne particulates in a studio with an unenclosed kitchen.

~~Retail activities must be accessory and subordinate to any permitted commercial or industrial work activity in buildings used exclusively for work/live studios.~~

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- e. *No Separate Sale or Rental of Portions of Unit.* No portion of a work/live studio may be separately rented or sold as a commercial space for a person or persons not living in the premises or as a residential space for a person or persons not working in the same studio.
- f. *Lease Agreements.* The property owner or manager of the property shall ensure that all work live studio leases include provisions requiring maintenance of a valid Work Live Permit and valid Business License.
- f. *Business License Required.* At least one (1) occupant of each work/live studio shall maintain a current City of Alameda business license for a business located in that studio.
- g. *Mixed Occupancies.* If a building contains mixed occupancies of work/live studios and other nonresidential uses, occupancies other than work/live shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the work/live studios and other occupancies, as determined by the Building Official.
- h. *Notice to Occupants Required.* The owner or developer of any building containing work/live studios shall provide written notice to all work/live occupants and users that the surrounding area may be subject to levels of noise, dust, fumes, or other effects associated with commercial and industrial uses at higher levels than would be expected in residential areas. State and Federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the district where the project is located. For purposes of noise control, work/live studios shall be classified as commercial property under Table II in Section 4-10.4 of the Alameda Municipal Code.
- i. *Change of Use From Work/Live Studio.* No work/live studio shall be changed to exclusively residential use in any building where residential use is not permitted. ~~., where two (2) or more residential units already exist, or where the conversion would produce more than two (2) attached dwellings.~~ The conversion of an existing work/live studio to exclusively nonresidential use is permitted when the conversion meets all other applicable zoning and building code requirements for the proposed use. Such a change shall be subject to all applicable requirements for the district where the proposed dwelling unit is located.
- j. *Increase in Residential Use.* No work/live studio shall be changed to increase the floor area devoted to residential use without review and approval of the Planning Director. ~~In no case shall the floor area devoted to residential use be increased to more than four hundred (400) square feet or thirty (30%) percent of the gross floor area of the unit whichever is more.~~
- k. *Additions to Building Envelope.* ~~No modifications shall be made to the exterior of a building proposed for or in current use as a work/live occupancy that would result in a substantial increase in the building envelope resulting in an increase in the existing gross floor area of more than ten (10%) percent in any five (5) year period outside the exterior walls or the outer surface of the roof of the building as it existed at the time of conversion to work/live studios. All changes to the exterior of work/live structures shall comply with the purposes set out in subsections 30-15.1g. and h. and with the required finding set out in subsection 30-15.6d. New floors or mezzanines that are established within the original building envelope shall be permitted and shall be considered as part of the existing floor area for purposes of this section.~~
- ~~If there is adjacent residentially zoned land, then the expansion of the building envelope shall be the minimum necessary to comply with health and life safety requirements and minimum habitability requirements.~~
- l. *Deed Restriction Required.* The owner of each work/live studio or each building containing work/live rental studios shall record a notice on the property specifying the limitations of use and operation included in the use permit.
- m. ~~*On-premises Sales.* On-premises sales of goods is limited to those produced within the work/live studio. Retail sales of goods produced within the work/live studio shall be incidental to the primary work use in any building used exclusively for work/live occupancy. These provisions shall permit participation in occasional open studio programs and gallery shows.~~

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- n. ~~Nonresident Employees. Up to two (2) persons who do not reside in the work/live studio may work in the studio unless such employment is expressly prohibited or limited by the use permit because of potential detrimental effects on persons living or working in the building or on commercial or industrial uses or residentially-zoned areas in the vicinity of the subject property. The employment of three (3) or more persons who do not reside in the work/live studio may be permitted subject to a use permit based on additional findings that such employment will not adversely affect traffic and parking conditions in the area where the work/live studio is located. The employment of any persons who do not reside in the work/live studio shall be subject to all applicable Building Code requirements.~~
- o. ~~Client and Customer Visits. Client and customer visits to work/live studios are permitted subject to any conditions that may be imposed by the use permit in order to ensure compatibility with adjacent commercial or industrial uses or adjacent residentially-zoned areas.~~
- p. Landscaping. Where a building ~~to be converted to~~ with work/live use is adjacent to residentially-zoned land, screening landscaping shall be provided and maintained as a buffer between the work/live building and adjacent residentially-zoned land where feasible in light of building setbacks, existing and required parking and whether there is land available along the property boundary.
- q. *Hazardous/Toxic Materials.* A Phase I Environmental Assessment for a site proposed for work/live occupancy, including but not limited to an expanded site investigation to determine whether lead based paint and asbestos hazards exist, is required to be submitted as part of the application for a use permit. The purpose of this requirement is to assess whether there are any hazardous or toxic materials on the site that could pose a health risk. Where the Phase I shows that there are potential health risks, a Phase 2 Environmental Assessment shall be prepared and submitted to determine if remediation may be required.

(Ord. No. 2784 N.S. § 6)

### 30-15.6 - Findings Required.

In addition to any other findings required by Section 30-21.3, the approval of any use permit required under this Chapter shall require a finding that the proposed use is consistent with the purposes for work/live studios set forth in Section 30-15.1 with respect to the circumstances and conditions of the subject property. The following additional findings must also be made:

- a. The proposed or existing use of each work/live studio is a bona fide commercial or industrial activity consistent with Section 30-15.5d.;
- b. The establishment of work/live studios will not under the circumstances conflict with nor inhibit industrial or commercial uses in the area where the project is proposed;
- c. Any building containing work/live studios and each work/live studio within the building has been designed to ensure that they will function predominantly as work spaces with incidental residential accommodations meeting basic habitability requirements in compliance with applicable regulations;
- d. Any changes proposed to the exterior appearance of the building will be compatible with adjacent commercial or industrial uses where all adjacent land is zoned for commercial or industrial uses. If there is adjacent residentially-zoned land, then the proposed changes to the building shall make the commercial or industrial building being converted more compatible with the adjacent residential area.

(Ord. No. 2784 N.S. § 6)