

## DRAFT AMENDMENTS TO SECTION 30-2, DEFINITIONS

*Strikethrough indicates text to be deleted. Underlining indicates text to be added.*

### 30-2 DEFINITIONS.

#### 30-2.1 - General Provisions.

a.——Words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure", and the word "shall" is mandatory and not directory. City Council shall mean the City Council of the City of Alameda, and Planning Board shall mean the Planning Board of the City of Alameda. City shall mean the incorporated area of the City of Alameda. Zoning Administrator shall mean the Planning Director, or such person as he/she may, with the prior approval of the Planning Board, designate, who shall administer and interpret the provisions of the zoning regulations and perform other duties as prescribed herein. Other terms not specifically mentioned hereabove shall have the meanings ascribed to them by the Charter and this Code.

~~b. As used in this chapter:~~

#### 30-2.2 - Use Classifications.

##### a. Residential Uses.

Dwelling shall mean housing accommodations serving as a residence and having a tenancy of 30 days or longer. Dwellings include the following:

1. *Dwelling, one-family* shall mean a detached building designed and intended for occupancy by one (1) family, and containing not more than one (1) kitchen.
2. *Dwelling, two-family* shall mean a building containing two (2) kitchens, designed and/or used to house not more than two (2) families living independently of each other.
3. *Dwelling, multiple-family* shall mean a building designed and/or used to house three (3) or more families, living independently of each other.
4. *Accessory dwelling unit* shall mean an attached or detached residential dwelling which provides complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as one (1) primary single-family dwelling.
5. *Accessory dwelling unit, junior* shall mean a dwelling unit, as defined in Government Code Section 65852.22, that is no more than five hundred (500) square feet in size and contained entirely within an existing single-family structure, and may include separate sanitation facilities, or may share sanitation facilities with the existing dwelling.
6. *Shared living* means a residential building, or portion thereof, other than a hotel, that provides private living quarters with or without private, independent kitchen facilities. A shared common kitchen and common activity area may be

provided. Shared living ~~also includes dormitories, rooming houses, and single room occupancy (SRO) units, which provide housing for very low-income persons that typically consist of a single room with access to a shared bath. Shared living may be restricted to seniors or be available to persons of all ages.~~

7. *Supportive housing* (per Government Code Section 65582(g)) means housing with no limit on length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.
8. *Transitional housing* (per Government Code Section 65582(j)) ~~and transitional housing development~~ means 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 future point in time, which shall be no less than six months from the beginning of the assistance.

*Family day care home* shall mean a facility for children which provides care for less than twenty-four (24) hours a day and which also serves as the residence of the operator.

1. *Family day care, large* shall mean the care and supervision of more than six (6) but less than fifteen (15) children in a provider's own home, on a less-than-twenty-four (24) hour basis and includes only those facilities licensed by the State of California, (but excludes smaller facilities that conform to the definition of "Family day care, Small" which may provide care for up to eight (8) children, if certain conditions are met). Large family day care homes are mid-scale operations, intended to provide service for a limited number of children in a residential setting, as prescribed by the State of California. Such limits to number of children are as follows, or as prescribed by changes to State code subsequent to May 6, 2004: A "Large family day care home"—H&SC 1596.78(b) provides family day care for seven (7) to twelve (12) children, and up to fourteen (14) children, if all the following conditions are met (H&SC 1597.465): a) at least two (2) of the children are at least six (6) years of age; b) No more than three (3) infants are cared for during any time when more than twelve (12) children are being cared for; c) The licensee notifies each parent that the facility is caring for two (2) additional school-age children at the time there may be up to thirteen (13) or fourteen (14) children in the home at one time; d) The licensee obtains written consent of the property owner when the family day care home is operated on the property that is leased or rented. These limits are inclusive of children under the age of ten (10) years who reside at the home.
2. *Family day care, small* shall mean the care and supervision of a very limited number of children in a provider's own home, on a less-than-twenty-four (24) hour basis and includes only those facilities licensed by the State of California, (but excludes larger facilities that conform to the definition of "Family day care, Large"). Such limits to number of children are as follows,

or as prescribed by changes to State code subsequent to May 6, 2004: A "small family day care home"—H&SC 1596.78(c) is limited to six (6) children; but may serve up to eight (8) children, without an additional adult attendant, if all the following conditions are met (H&SC 1596.44): a) at least two (2) of the children are at least six (6) years of age; b) No more than two (2) infants are cared for during any time when more than six (6) children are being cared for; c) The licensee notifies each parent that the facility is caring for two (2) additional school-age children at the time there may be up to seven (7) or eight (8) children in the home at one time; d) The licensee obtains written consent of the property owner when the family day care home is operated on the property that is leased or rented. These limits are inclusive of children under the age of ten (10) years who reside at the home.

*Home occupation* shall mean any use customarily carried on within a dwelling, rear or side yard areas, or accessory buildings, by the inhabitants thereof, and which use is incidental to the residential use of the dwelling and complies with the following standards:

1. Is confined within the dwelling, and occupies not more than fifty (50%) percent of the floor space on one (1) floor; or, upon obtaining a Use Permit, as provided in subsection 30-21.3 hereof, in the rear or side yard, or accessory buildings thereof.
2. Involves no sales or storage of merchandise other than that produced on the premises, and/or directly related to and incidental to the services offered.
3. Is carried on by the members of the household occupying the dwelling with no more than one (1) other person employed.
4. Produces no evidence of its existence beyond the premises, such as noise, smoke, odors, vibrations, etc., except for one (1) nonilluminated sign pertaining directly to the particular home occupation.
5. That the conduct of the home occupation shall not create excessive automobile or truck traffic in the vicinity, and that the parking of commercial vehicles incidental to the home occupation shall be permitted upon the premises only in enclosed structures.

*Live aboard* shall mean a boat that is not a transient boat, that is capable of being used for active self-propelled navigation, and that is occupied as a residence, as defined in California Government Code Section 244. (~~Note: Live aboard boats are not permitted outside of commercial marinas.~~)

Residential care facility (per Health and Safety Code Section 1502(a)(1)) shall mean a community care facility licensed by the State of California to which provides care on a twenty-four (24) hour basis living accommodations and 24-hour care for persons requiring personal services, supervision, protection, or assistance with daily tasks. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This classification includes both for and not-for-profit institutions but excludes Supportive Housing and Transitional Housing. Subclassifications include:

1. Residential Care, Small. A facility that is licensed by the State of California to provide care for six or fewer persons 18 years or older.
2. Residential Care, Large. A facility that is licensed by the State of California to provide care for more than six persons 18 years or older.
3. Residential Care, Senior (Assisted Living). A housing arrangement chosen voluntarily by the resident or by the resident's guardian, conservator or other responsible person; where residents are 60 years of age or older; and where varying levels of care and supervision are provided as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal. This classification includes continuing care retirement communities and life care communities licensed for residential care by the State of California.

Temporary housing means facilities providing short-term housing for people without permanent housing. Subclassifications include:

1. Emergency shelter (per Health and Safety Code Section 50801(e)) means housing with minimal supportive services for ~~homeless~~ unhoused persons that is limited to occupancy of six (6) months or less by an ~~homeless~~ unhoused person; ~~and is not an Incidental Shelter or Low Barrier Navigation Center. No individual or household may be denied emergency shelter because of an inability to pay.~~
2. Warming Center. An emergency shelter that is accessory to a primary use and is typically operated on an intermittent or seasonal basis.
3. Low Barrier Navigation Center. A housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing consistent with Government Code Section 65660.

~~Community care facility~~ shall mean any facility, place or building which is maintained and operated to provide nonmedical residential care, including but not limited to family day care homes and residential care facilities.

~~Servants quarters~~ shall mean a secondary dwelling or apartment without separate kitchen facilities designed for and used only by persons or the families of persons regularly employed on the property.

*house" to demonstrate that they should be treated as general definitions rather than use classifications.]*

~~Anchor-out~~ shall mean and refer to households or live-aboard boats moored or anchored offshore and not in an authorized commercial marina. (Note: Anchor-outs, other than transient boats, are not permitted.)

Dwelling unit shall mean a group of rooms, including a kitchen, bath and sleeping quarters, designed and intended for occupancy by one (1) family.

~~*Dwelling group* shall mean two (2) or more detached one (1), two (2), or multiple family dwellings located upon a building site together with all open spaces as required by this chapter.~~

*Family* shall ~~mean~~ be defined as "One or more persons, related or unrelated, such as a group of employees, living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit."

~~Houseboat~~ *Floating home* shall mean a boat that is used for a residential or other nonwater oriented purpose that is not capable of being used for active navigation; (Note: ~~Houseboats are not permitted outside of commercial marinas designated for houseboat berthing. A houseboat is equivalent to a floating home as defined in subsection 13-38.5 of the Alameda Municipal Code, and is subject to the regulations set therein. Houseboats~~ *Floating homes* are also subject to the requirements of Article XIV of Chapter XIII of the Alameda Municipal Code.)

~~*Living quarters* shall mean any combination of habitable rooms that includes cooking facilities and is designed for occupancy as a dwelling unit.~~

*Manufactured home* (per Health & Safety Code Section 18007) shall mean a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974.

*Multiple house* shall mean a residential building used as condominium units, planned development units, stock cooperative, a limited equity cooperative or other real estate development as those terms are defined in Division 2, Title 7 of the Government Code or in the Civil Code of the State of California.

~~*Senior housing* shall mean a residential unit reserved for households in which where at least one (1) member of the household is over sixty-two (62) years of age. A deed restriction permanently limiting occupancy to such senior households, in a form acceptable to the Planning Director and City Attorney, shall be recorded for the property with the County Recorder's office.~~

*Target Population* (per Government Code Section 65582) shall mean persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services. It may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

