

**March 21, 2022 Draft**

## **Housing Element Update Zoning Amendments**

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**Note to Reviewers:** ~~Strikethrough~~ indicates text to be deleted. Underlining indicates text to be added. Red italic text is note to reviewers explaining a change.

### **30-4.9A C-C, Community Commercial Zone.**

- a. *General.* The Community Commercial Zoning District is intended to provide for general retail, personal service use, offices, restaurants, hotels/motels, residential uses, service stations, public and quasi-public uses and similar and compatible uses serving a community-wide need under design standards which ensure compatibility and harmony with adjoining land uses. Emphasis is on pedestrian-oriented retail and service uses on the ground floor level, with office and residential uses on the upper levels. Automobile related uses are regulated by use permit and prohibited on Park Street and Webster Street frontages.
- b. *Applicability.* The development and use of land within the C-C District shall comply with the provisions of the District and all other provisions of the Alameda Municipal Code. In the event of a conflict between the provisions of the C-C District and the provisions of the Alameda Municipal Code Section 30-53 or Alameda City Charter Article 26, the provisions of the CC District shall govern.
- ~~b. c.~~ *Uses Permitted.*
  1. The following ~~retail sales and services uses~~ are permitted in the C-C District:
    - (a) Antiques and collectibles,
    - (b) Appliances, large and small,
    - (c) Art gallery,
    - (d) Arts and crafts supplies,
    - (e) Arts and crafts store,
    - (f) Bakery, including use of the commercial kitchen for catering as an accessory use,
    - (g) Bank, saving and loan, including ATM facilities but excluding drive-through facilities,
    - (h) Bicycle store,
    - (i) Blueprint shop,
    - (j) Books, periodicals, and comics, including reading rooms,
    - (k) Camera store,
    - (l) Candy store,
    - (m) Clock or watch store,
    - (n) Clothing store, new inventory only,
    - (o) Coffee house, including retail,
    - (p) Coin store,
    - (q) Computer store,
    - (r) Delicatessen,
    - (s) Department store,
    - (t) Drug store and pharmacy, including fountain and food service,
    - (u) ~~Dwelling units, when the units are located in structures also containing nonresidential uses and are not located on the ground floor,~~ Dwellings, multifamily; residential care, senior and

residential care, large; shared living; and transitional and supportive housing; when the living quarters are not located on the ground floor.

*Note to reviewers: These residential uses are added to the list of permitted uses in order to facilitate residential uses above ground floor commercial space and help Alameda achieve its regional housing needs allocation (RHNA) and provided needed housing types.*

- (v) Electronic items, retail only,
- (w) Fabric and notions,
- (x) Florist,
- (y) Frame shop,
- (z) Furniture store, new inventory only,
- (aa) Hairstyling and beauty salons, including but not limited to body care services such as manicures, pedicures, make up, facials, waxing, electrolysis, tanning within the Park Street C-C District only. Piercing, tattoo and massage allowed when accessory to the primary use of hairstyling provided no more than two (2%) percent of the floor area is devoted to the accessory use,
- (bb) Hardware store,
- (cc) Home furnishings,
- (dd) Ice cream store,
- (ee) Jewelry or beads store, including piercing as an accessory use provided no more than two (2%) percent of the floor area is devoted to the accessory use,
- (ff) Laundry and cleaning establishments, including pressing, spotting, garment repair and alterations and self-operated facilities when accessory to the primary use,
- (gg) Lighting fixtures,
- (gg) Low barrier navigation centers
- (hh) Luggage store,
- (ii) Massage businesses located above the ground floor,
- (jj) Medical supplies store,
- (kk) Music store, including the sale of recorded music, sheet music and instruments,
- (kk)
- (ll) Newspaper offices,
- (mm) Office uses, provided that such uses shall not occupy the front fifty (50%) percent of the ground floor space directly fronting a public street, alley or sidewalk, onto Park Street or Webster Street, which shall be reserved for retail sales and/or service uses permitted in the district. ~~Parcels that have a frontage on Santa Clara Avenue and are located between Park Avenue and Broadway may have office uses occupying the entire ground floor space,~~
- (nn) Paint and wallpaper store,
- (oo) Pet supplies, pet grooming, or pet sales providing a finding is made by the Planning Director that sufficient air conditioning and soundproofing will be provided to effectively confine odors and noise so as not to interfere with the public health, safety and welfare of adjoining properties. No outside pens or runs shall be permitted. Pet boarding allowed as an accessory use,
- (pp) Photography store, including photo developing and studio,

- (qq) Plumbing and electrical supply or fixture store, provided more than fifty (50%) percent of the floor space is devoted to retail sales,
  - (rr) Political campaign offices, not to exceed six (6) months total time nor eight (8) months if the campaign is both primary and election,
  - (ss) Printing establishment,
  - (tt) Repair shop for shoes, radios/televisions, small domestic appliances, watches and jewelry and similar non-auto related items,
  - (uu) Restaurant, coffee shop, snack bar, lunch counter, including catering as an accessory use but excluding drive-through service,
  - (vv) Shoe store,
  - (ww) Sporting goods store, golf shop and similar sports supplies store,
  - (xx) Stationery and card store,
  - (yy) Tailor and dressmaking, haberdashery, millinery excluding wholesale manufacturing,
  - (zz) Tattoo parlors located above the ground floor,
  - (aaa) Toy store,
  - (bbb) Travel agency,
  - (ccc) Video store, including retail and rental,
  - (ddd) Yoga studios located above the ground floor.
2. Other uses which the Planning Director finds similar to the above list and consistent with the purpose of the C-C Zoning District, provided the following uses are expressly prohibited: Check cashing business, gun and firearms sales when more than five (5%) percent of the floor area is devoted to this use, massage establishments except massage is allowed as a home occupation and accessory to health care uses and hairstyling, pawn shop, tobacco and tobacco products stores except the sale of tobacco and tobacco products is allowed as accessory to other permitted or conditionally permitted uses in the C-C District. The determination of similar use by the Planning Director shall be included on the agenda for the next available Planning Board meeting and confirmed by the Planning Board. Determinations of similar use are also subject to appeal pursuant to Section 30-25.

c. *Uses Requiring Use Permits.*

1. The following retail sales and services require approval of a use permit in the C-C District by the Planning Board as regulated by subsection 30-21.3. In addition to the findings included in subsection 30-21.3 approval of a use permit is subject to finding the use consistent with the policies of the General Plan and the purpose of the C-C Zoning District:
  - (a) Any use in this district that does business between the hours of 10:00 p.m. and 7:00 a.m.,
  - (b) Any permitted or conditional use which is not conducted within an enclosed structure,
  - (c) Athletic club and health facilities, including massage as an accessory use,
  - (d) Auditoriums,
  - (e) Automobile detail shop. In the Park Street C-C District this use shall not front on nor have access to Park Street. In the Webster Street C-C District this use shall not front on nor have access to Webster Street and shall be further limited to the area north of the centerline of Pacific Avenue and the area at the southwest corner of Webster Street and Pacific Avenue bounded by lines eighty-five (85') feet south of the Pacific Avenue right-of-way and one hundred eighteen (118') feet west of the Webster Street right-of-way,

- (f) Automobile parts store, wholesale and retail,
  - (g) Automobile rental, subject to the location restrictions specified in subsection 30-4.9Ac.1.(e),
  - (h) Automobile repair shop, subject to the location restrictions specified in subsection 30-4.9Ac.1.(e),
  - (i) Automobile showroom/sales, provided it is within a completely enclosed building and excluding businesses with sales devoted primarily to use vehicles,
  - (j) Bars,
  - (k) Beauty college,
  - (l) Bed and breakfast facility, upon compliance with standards set forth in the definition for bed and breakfast in Section 30-2,
  - (m) Business college,
  - (n) Catering business,
  - (o) Commercial parking lot or structure,
  - (p) Commercial recreation,
  - (q) Convenience store,
  - (r) Grocery stores,
  - ~~(s) Drive through restaurant and other drive through establishments, but excluding drive in movie theater subject to the location restrictions specified in subsection 30-4.9Ac.1.(e),~~
  - ~~(t) Dwelling units, provided they are located on the second or third floor only when the units do not comply with the off street parking requirements, Dwellings, multifamily; residential care, senior and residential care, large; shared living; and transitional and supportive housing; when the living quarters are located on the ground floor.~~
- Note: The use permit process allows the Planning Board to consider use of the ground floor for residential uses on a project by project basis.*
- (u) Gasoline service stations, exclusive of body, chassis and painting work, provided that all operations accept the service with gasoline, oil, air and water shall be conducted within a building. See also yard requirements for gasoline stations, paragraph (g) of this subsection and driveway requirements subsection 30-5.7i,
  - (v) Gun and firearms sales when accessory to a sporting goods store provided the gun and firearms sales are limited to no more than five (5%) percent of the retail area,
  - (w) Hairstyling and beauty salons, including, but not limited to, body care services such as manicures, pedicures, make up, facials, waxing, electrolysis, tanning within the Webster Street C-C District only,
  - (x) Hotel and motel, provided floor area devoted to a retail service use allowed within this district is included on the ground floor,
  - (y) Liquor store,
  - (z) Lodge hall and social club,
  - (aa) Martial arts, dance, jazzercise and similar uses,
  - (bb) Massage businesses located on the ground floor,
  - (cc) Medical facility,
  - (dd) Music studios,

- (ee)
  - (ff) Office uses not associated with a permitted or conditional use in this district and/or occupying the front fifty (50%) percent of the ground floor space directly fronting a public street, alley or sidewalk,
  - (ff) Plant nursery,
  - (gg) Public park, public and private school, church and religious institution, library, nursery and day care center, playground, fire station and other public buildings and uses included in the General Plan,
  - (hh) Public and private utilities, including above ground and underground facilities primarily for local service such as substations, gas regulators, manned or unmanned communications equipment buildings, and similar uses,
  - (ii) Self-operated laundry and cleaning establishments,
  - (jj) Large format retail including conversion of existing multiple retail tenant spaces to a single tenant space larger than thirty thousand (30,000) square feet (if part of a planned development, no use permit is required). Super stores, as defined in Section 30-2, are prohibited,
  - ~~(kk) Shared living, provided the facility is located above the ground floor,~~  
*Shared living is shown above as a permitted use.*
  - (ll) Small upholstery shops, exclusive of refinishing and other furniture repair or manufacturing,
  - (mm) Stores devoting commercial area, gross sales, or inventory, to the sale of second quality, irregular or discontinued merchandise or to the liquidation of merchant's or manufacturer's stock,
  - (nn) Taverns,
  - (oo) Theater, including movie and live,
  - (pp) Those portions of grocery stores devoted to the sale of alcoholic beverages,
  - (qq) Upholstery shop, exclusive of refinishing and other furniture repair or manufacturing,
  - (rr) Used household articles and clothing stores,
  - (ss) Veterinary clinic and/or veterinary hospital, provided the Planning Board finds the use has sufficient air conditioning and soundproofing to effectively confine odors and noise so as not to interfere with the public health, safety and welfare. No outside pens or runs shall be permitted,
  - (tt) Work/live studios subject to the requirements of Section 30-15,
  - (uu) Yoga studios located on the ground floor,
  - (vv) ~~Commercial recreation~~ Parking located below grade or within twenty (20') feet of a public street frontage if above grade.
2. Other uses which the Planning Director finds similar to the above list and consistent with the purpose of the C-C Zoning District subject to use permit approval by the Planning Board, provided the following uses are expressly prohibited: check cashing business, gun and firearms sales when more than five (5%) percent of the floor area is devoted to this use, massage establishments except massage is allowed as a home occupation and accessory to health care uses and hairstyling, pawn shop, tobacco and tobacco products stores except the sale of tobacco and tobacco products is allowed as accessory to other permitted or conditionally permitted uses in the C-C District. The determination of similar use by the Planning Director shall be included on the agenda for the next available Planning Board meeting and confirmed by the Planning Board. Determinations of similar use are also subject to appeal pursuant to Section 30-25.

d. *Accessory Uses, Buildings, and Structures.*

1. The following accessory uses, buildings and structures are permitted in the C-C District:

- (a) Incidental storage and accessory uses, including repair operations and services, provided such uses shall be incidental to the retail sale of products on the premises, shall not employ more than five (5) persons excluding sales personnel, and shall be placed and constructed as not to be offensive or objectionable because of odor, dust, smoke, noise or vibration.
- (b) Other uses and structures which are customarily incidental and clearly subordinate to permitted and conditional use as determined by the Planning Director.
- (c) Accessory dwelling units and junior accessory dwelling units, as regulated in Section 30-5.18, when a primary dwelling exists on the lot.

e. *Design Review Required.* All new structures or buildings, or exterior revisions of any existing structures or buildings for both permitted and conditional uses shall require design review pursuant to Article II, Section 30-35.

f. *Signs.* Signs are allowed as provided by Section 30-6 of this article. A sign permit is required prior to placement of any signage on property in Alameda.

g. *Development Regulations.*

1. Lot Area and Lot Width: None.

2. Building Height Limit: Building height shall be regulated as follows:

Park Street District—Maximum height shall be ~~five (5) stories but not to exceed sixty (60') feet.~~ Where any side or rear lot line abuts a residential district, the maximum height of the adjacent residential district shall be observed within 20' feet of the property line. ~~In the remaining areas of the Park Street C-C District the height limit shall be forty (40') feet and the height within this area may be increased to a maximum of sixty (60') feet upon approval of a use permit. Parking structures, including parking structures which have a commercial use component, are exempt from the height limit provided the structure does not exceed six (6) stories, the commercial floor area does not exceed fifty (50%) percent of the overall floor area of the structure, and public parking is provided in addition to the parking required for the commercial component.~~

*Note: This change creates a uniform 60 foot height limit in the Park Street portion of the District and ensures that building adjacent to residential districts step down in height to the height limit of the adjacent residential district.*

Webster Street District— ~~Maximum height shall be three (3) stories but not to exceed forty (40') feet throughout the C-C District.~~ Maximum height shall be sixty (60') feet. Where any side or rear lot line abuts a residential district, the maximum height of the adjacent residential district shall be observed within 20' feet of the property line.

3. Building Coverage: Buildings may cover one hundred (100%) percent of the building site, ~~provided the ratio of all floor space to lot size shall not exceed three (3) to one (1).~~

4. Maximum Residential Density: None

*Note: Removing residential density standards does not increase the size of a building, but it does remove governmental barriers to the number of units that may be allowed in the building. By doing so, it encourages construction of more smaller, more affordable housing units.*

5. Minimum Residential Density for new buildings: 30 units per acre. Minimum residential density shall not apply to adaptive reuse of, or addition to, existing buildings to add one or more residential units.

*Note: A minimum residential densities of 30 units per acre are specified in State Housing Codes as a density that supports affordable housing. It also ensures that townhomes and lower density residential development does not occur on Park Street and Webster Street.*

6. Front Yard: ~~None~~ Buildings shall be located on the front property line. A minimum of eighty-five (85%) percent of the area between the side property lines must be occupied by building mass, plazas, or paseos along the primary street frontage.
7. Ground-floor Uses. Buildings fronting onto Park Street or Webster Street shall provide ground-floor non-residential space of at least 30 feet in depth fronting onto the public right of way. Uses supporting upper-floor residential uses such as, mailrooms, leasing offices, and fitness rooms may be allowed within the required ground floor non-residential space.
7. Side Yard: No yard, however where any side lot line abuts a residential district there shall be a minimum side yard of five (5') feet.
8. Rear Yard: None, however, where the rear lot line abuts a residential district there shall be a minimum rear yard of five (5') feet.
9. Yards for Gasoline Service Station pumping stations and automobile service facilities. (In addition to the yard requirements prescribed for the zoning districts):
  - (a) A setback of ten (10') feet shall be maintained from property lines that abut the rear yard of a lot located in a residential district or a lot in residential use.
  - (b) A setback of fifteen (15') feet shall be maintained from property lines that abut the side yard of a lot located in a residential district or in residential use.
10. Off-Street Parking, Electric Vehicle Charging, and Transportation Demand Management regulations and Loading Space: As regulated by Section 30-7 unless a parking exception is granted.
  - ~~(a) A parking exception may be approved for new construction or existing buildings converted to new uses reducing the number of parking spaces to less than the number specified in the parking schedule in Section 30-7.6 provided the following findings are made by the Planning Board:~~
    - ~~(i) The parking demand will be less than the requirements in Section 30-7.6, and~~
    - ~~(ii) The probable long term occupancy of the building or structure based on its design, will not generate additional parking demand.~~
  - ~~(b) A parking exception granted by the Planning Board shall be limited to the specific structure and use. Any future alterations to the building or changes in the use shall require a new parking exception or shall be required to meet the parking supply requirements of the parking schedule in Section 30-7.6.~~



**Note to Reviewers:** ~~Strikethrough~~ indicates text to be deleted. Underlining indicates text to be added. *Red italic text is note to reviewers explaining a change.*

### 30-4.8 C-1, Neighborhood Business District.

- a. *General.* The following specific regulations and the general rules set forth in Section 30-5 shall apply in all C-1 Districts, as delineated and described in the zoning map(s). It is intended that this district classification be applied on properties suitable to serve residential areas with convenient shopping and service facilities.
- b. *Applicability.* The development and use of land within the C-1 District shall comply with the provisions for the District and all other provisions of the Alameda Municipal Code. In the event of a conflict between the provisions of the C-1 District and the provisions of the Alameda Municipal Code Section 30-53 or Alameda City Charter Article 26, the provisions of the C-1 District shall govern.
- c. ~~Uses Permitted.~~
  - 1. ~~Any nonresidential use permitted in R-1, R-2, R-3, R-4 and R-5 Districts.~~

*To create a more user-friendly ordinance, instead of referring back to the R-1 through R-5 district use regulations, the uses permitted in the residential districts (public facilities, religious assembly, schools, and day care) are spelled out in #4 through #6 below.*
  - 1. 2-The following retail and similar business uses when conducted principally within enclosed structures and where said uses are not doing business between the hours of 10:00 p.m. and 7:00 a.m.:
    - (a) Art and antique shops,
    - (b) Bakery goods stores,
    - (c) Barber and beauty shops,
    - (d) Book stores and rental libraries,
    - (e) Candy stores,
    - (f) Clothing stores,
    - (g) Dairy products stores, excluding processing,
    - (h) Drug stores, including fountain and food service,
    - (i) Florist shops,
    - (j) Gift, novelty and stationery shops,
    - (k) Hardware stores,
    - (l) Jewelry shops,
    - (m) Laundries and cleaning agencies, including pressing, spotting, garment repair and alteration service,
    - (n) Fitness, mMusic and dancing studios,
    - (o) Repair shops for shoes, radios and television sets, small domestic appliances, watches and similar items,

- (p) Bed and breakfast facilities, upon compliance with standards set forth in the definition for bed and breakfast in Section 30-2,
- (q) ~~Uses permitted in the A-P District, and other office uses not associated with permitted retail sales use of the site.~~ The following uses, provided that for any frontage of a building adjoining a public street, public alley or public sidewalk, fifty (50%) percent in depth of the ground floor space nearest such frontage shall be reserved for retail sales and/or service uses permitted in the C-1 District.
  - (i) Offices of an administrative and professional nature including, but not limited to offices for accountants, architects, artists, attorneys, authors, doctors and dentists, engineers, insurance agencies, real estate agents, hypnotherapists and hypnotists, optometrists, and psychic services (subject to permit requirements of sections 6-46.4 and 6-46.5 of the Alameda Municipal Code).
  - (ii) Medical facilities, including but not limited to dental clinics, hospitals, medical clinics, medical laboratories, nursing and convalescent homes, radiologist laboratories, rest homes, and sanitariums.

*The reference to "Uses permitted in the A-P District" is replaced with a list of the actual uses permitted in the A-P District, in order to minimize cross-referencing and improve code usability.*

2. Dwellings, multiple-family; residential care, senior; residential care, large; residential care, small; shared living; and transitional and supportive housing, as long as any dwelling units, sleeping rooms, or living quarters are located in buildings also containing nonresidential uses and are not located on the ground floor.

*These residential uses are added to the list of permitted uses in order to facilitate residential uses above ground floor commercial space and help Alameda achieve its regional housing needs allocation (RHNA) and provided needed housing types.*

3. Low barrier navigation centers.

*Per State law, low barrier navigation centers must be allowed by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses (Government Code 65662).*

4. Parks, playgrounds, libraries, fire stations, and other public buildings and uses.
5. Public and private schools, day care centers, and assembly uses.
6. Family day care homes, large and small, as licensed by the State of California.

*Items #4 - #6 are the nonresidential uses permitted in the R-1 through R-5 districts. They replaces the cross reference "Any nonresidential use permitted in R-1, R-2, R-3, R-4 and R-5 Districts."*

7. Public utility service offices and underground or above ground public utility facilities primarily for local service such as substations, gas regulators, manned or unmanned communications equipment buildings, and similar uses.
8. Signs: As provided in Section 30-6 of these regulations.
9. Accessory dwelling units and junior accessory dwelling units, as regulated in Section 30-5.18, when a primary dwelling exists on the lot.
10. Warming centers, accessory to any primary, permitted use.

*Warming centers are added as a permitted use in order to lower barriers to providing needed shelter and codify current practice of permitting accessory uses.*

d. *Uses Requiring Use Permits.* It is the intent of this paragraph that the following uses shall be reviewed by the Planning Board for their appropriateness in a specific location, or for such other factors as safety, congestion, noise, adequate light and air for dwelling uses, and similar considerations:

1. ~~Multifamily dwellings; residential care, senior; residential care, large; residential care, small; shared living; and transitional and supportive housing if the dwellings, living quarters, or sleeping rooms are located on the ground floor. Any dwelling use permitted in the R Districts; provided that the residential use will not conflict with or inhibit attainment of General Plan land use designations or the operation of legitimate business uses within the commercial district; that new residential use shall not occupy ground floor space considered suitable for business use; and that new structures devoted solely to residential use shall not be permitted; and that there shall be not less than two thousand (2,000) square feet of lot area for each dwelling unit.~~

*This provision allows the City to consider residential uses on the ground floor through the conditional use permit process on a case-by-case basis.*

2. ~~Uses permitted in the A-P District, and other office uses not associated with permitted retail sales use of the site, which are not otherwise permitted in paragraph b.2.(r). The following uses if located within the fifty (50%) percent of the ground-floor space of a building nearest to any adjoining public street, public alley or public sidewalk:~~

- (a) Offices of an administrative and professional nature including, but not limited to offices for accountants, architects, artists, attorneys, authors, doctors and dentists, engineers, insurance agencies, real estate offices, hypnotherapists and hypnotists, optometrists, and psychic services (subject to permit requirements of sections 6-46.4 and 6-46.5 of the Alameda Municipal Code).
- (b) Medical facilities, including but not limited to the following: dental clinics, hospitals, medical clinics, medical laboratories, nursing and convalescent homes, radiologist laboratories, rest homes, and sanitariums.

*The reference to "Uses permitted in the A-P District" is replaced with a list of the actual uses permitted in the A-P District, in order to minimize cross-referencing and improve code usability.*

*The reference to paragraph b.2.(r) appears to be a typographical error, meant to refer to paragraph b.2.(q), which allows office uses as long as the front 50% percent of the ground floor space is reserved for retail. This cross-reference is replaced with a conditional allowance for office uses located within the front 50% of the ground-floor space.*

3. Gasoline service stations, exclusive of body, chassis and painting work, provided that all operations except the service with gasoline, oil, air and water shall be conducted within a building; subject further to the provisions of subsection 30-5.7, of this article.

4. The following and similar retail business, or service uses:

- ~~(a) Public buildings intended to directly serve the public,~~
- ~~(b) Self-operated laundries,~~

*Public buildings and laundries permitted by right above.*

- (a) Taverns without live entertainment,
- (b) Restaurants, snack bars, lunch counters, but excluding drive-ins,

*Question for Planning Board: Shouldn't cafés, restaurants, taverns without live music and "lunch counters" be permitted by right on the ground floor? Not a housing element issue, but worth questioning.*

- (c) Convenience food stores,
- (d) Grocery stores,
- (e) Liquor stores,
- (f) Plant nurseries,
- (g) Those portions of grocery stores devoted to the sale of alcoholic beverages,
- (h) Small upholstery shops, exclusive of refinishing and other furniture repair or manufacturing,

*Question for Planning Board: Should small upholstery shops be moved to permitted uses? Other permitted uses include dry cleaners and tailors. Not a housing element issue, but worth questioning. Do we really need to put them through the conditional use permit time and expense?*

- (i) Commercial recreation.

- 5. Any permitted use listed in paragraph ~~b~~, c, Uses Permitted, that does business between the hours of 10:00 p.m. and 7:00 a.m.
- 6. Any permitted use listed in paragraph ~~b~~, c, Uses Permitted, which is not principally conducted within an enclosed structure. However, outdoor accessory facilities associated with a permitted use, such as trash enclosures, generators, and play structures shall be exempt from the use permit requirement.

*New text recommended to clarify intent and avoid unnecessary barrier and cost to applicants and consuming staff time to review these minor structures.*

- 7. Theaters with live performances that are in combination with other permitted uses.
- 8. Pet shops and animal grooming facilities. Such uses may be allowed only upon a finding that sufficient air conditioning and soundproofing will be provided to effectively confine odors and noise so as not to interfere with the public health, safety and welfare of adjoining properties. No outside pens or runs shall be permitted.
- 9. Boutique theater.
- 10. Large format retail including conversion of existing multiple retail tenant spaces to a single tenant space larger than thirty thousand (30,000) square feet (if part of a planned development, no use permit is required). Super stores, as defined in Section 30-2, are prohibited.
- ~~11. Shared living, provided the facility is located above the ground floor.~~

*Shared living moved to list of permitted uses, to be treated the same as other residential uses.*

- 11. Work/live studios subject to the requirements of Section 30-15.

e. *Minimum Height, Bulk and Space Requirements:*

- 1. Lot Area, Lot Width, Building Coverage Regulations: None.
- 2. Maximum Residential Density: None.
- 3. Building Height Limit: ~~Two (2) stories but not to exceed thirty (30')~~ Forty-five (45') feet.

*Removing density allows for smaller, more affordable units within the allowed size of the building. Removing density does not change the allowed size of the building.*

*Raising the height limit to 45 feet allows a three-story building, with two floors of residential above a ground floor of commercial space. Many Victorian residential buildings in the adjacent neighborhoods are three stories.*

4. Minimum Front Yard: None.
5. Minimum Building Frontage: Buildings shall be located on the front property line. A minimum of eighty-five (85%) percent of the area between the side property lines must be occupied by building mass, plazas, or paseos along the primary street frontage.  
*This form-based standard requires that a new building be placed on the property line to maintain a consistent pedestrian experience and replicate the historic urban form of these former rail "stations."*
6. Minimum Side Yard: No setback shall be required, except where the side yard of a lot abuts an R District, then a minimum side yard of five (5') feet shall be maintained.
7. Minimum Rear Yard: None, except where the rear yard abuts an R District a minimum of ~~fifteen (15')~~ ten (10') feet shall be maintained.
8. Off-street Parking and Loading Space: As regulated in Section 30-7.

### 30-4.25 North Park Street District.

- a. *Purpose.* This section of the Alameda Municipal Code (AMC) provides regulations and standards to facilitate and guide future development within the North Park Street District consistent with the City of Alameda General Plan, the Economic Development Strategic Plan, and the Gateway District Strategic Plan. The regulations within this section are intended to:
  - i. Guide desirable re-investment in the district consistent with General Plan policies and the Gateway District Strategic Plan goals for development and land uses that support a pedestrian friendly, transit oriented mixed use district.
  - ii. Remedy the "auto-row" physical characteristics of the district, while allowing new larger scale commercial and employment uses that provide goods, services, and/or employment opportunities in Alameda.
  - iii. Provide form based regulations and guidelines for site development and building design to facilitate development that supports Alameda's unique character and encourages innovative design that supports an attractive, pedestrian friendly district.
  - iv. Maintain maritime, light industrial, manufacturing, distribution, and work place uses where they have access to the estuary and City's designated truck routes.
  - v. Retain mixed use areas that have historically provided a transition between residential areas and adjacent industrial and commercial mixed-use districts.
- b. *Applicability.* The regulations in this section are applicable to all properties within the North Park Street District (District). Standards in the AMC not covered by this section shall remain applicable to the North Park Street Zoning District. When the content of this section conflicts with the AMC, this section shall govern. For each district zone, a common set of site development regulations and use regulations are provided to ensure complementary land uses and a consistent physical form. All improvements requiring building permits shall be subject to the requirements of Sections 30-36 through 30-37 Design Review and the Site Building Form Development Requirements of Table A. (Building Form and Site Design Standards). All design review applications shall be reviewed for conformance with the regulations of this section and the applicable sections of the Citywide Design Review Manual.
- c. *Sub-district Descriptions.* The North Park Street District is comprised of five (5) sub-districts each with its own purpose, development standards, and permissible uses.
  - i. The North Park Street Gateway sub-district (G-NP) is a significant gateway to the City of Alameda. The intent of the NP-G sub-district is to guide the redevelopment of the Park Street commercial area with attractive buildings located near the sidewalk with a mix of commercial workplace, retail, and compatible residential uses that support a pedestrian and transit friendly environment.
  - ii. The North Park Street Maritime Manufacturing (MM-NP) sub-district preserves lands for maritime, light industrial and larger scale commercial and office employment uses.
  - iii. The North Park Street Workplace sub-district (W-NP) provides lands for a mix of workplace, commercial, light industrial and manufacturing uses adjacent to the Clement and Blanding Avenue

truck routes. The sub-district regulations permit a range of site and building types for employment uses.

- iv. The North Park Street Mixed Use sub-district (MU-NP) establishes regulations for mixed-use areas with commercial and residential uses. The sub-district regulations maintain a residential building type for the sub-area, while allowing a greater mix of office, commercial, and residential uses.
- v. The North Park Street Residential sub-district (R-NP) provides lands for residential uses within a district of residential building types. Sub-district regulations maintain and support a distinctive residential character in use and building type.

*d. Building Form and Site Design Requirements.*

- i. Table A — Building Form and Site Design Standards identifies the building form and site design requirements permitted (P) or not permitted (-), within each sub-district. Variances from this Section shall be subject to the requirements and findings of Section 30-21 of the AMC.

**Table A. Building Form and Site Design Standards**

	Gateway (G-NP)	Maritime Manufacturing (MM-NP)	Workplace (NP-W-NP)	Mixed Use (MU-NP)	Residential (R-NP)
<b>Building Types</b> (see Design Review Manual for guidelines for building types)					
Commercial block	P	P	P	-	-
Workplace	P	P	P	-	-
Parking structure	P	P	-	-	-
Work-live	P	P	P	P	-
Stacked flat	-	-	-	P	-
Multiplex	-	-	-	P	-
Row house	-	-	-	P	P
Courtyard housing	-	-	-	P	P
Single-family detached	-	-	-	P	P
Adaptive reuse of existing buildings	P	P	P	P	P
<b>Frontage Types</b> (see Design Review Manual for guidelines for frontage types)					
Storefront	P	P	P	-	-
Formal entry	P	P	P	P	-
Forecourt	-	P	P	P	P
Stoop	-	-	-	P	P
Front yard	-	-	-	P	P
<b>Building width (max.) (ft)</b>	200-ft.	200-ft.	160-ft.	52-ft.	52-ft.
<b>Building Placement</b>					
Front setback (ft)	0 max.	0 min.	0 min.	10 min. – 30 max.	15 min. – 20 max.

	Gateway (G-NP)	Maritime Manufacturing (MM-NP)	Workplace (NP-W-NP)	Mixed Use (MU-NP)	Residential (R-NP)
<u>Minimum</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>10</u>	<u>15</u>
<u>Maximum</u>	<u>0</u>	<u>N/A</u>	<u>N/A</u>	<u>30</u>	<u>20</u>
Side street setback (ft)	0 – 15	0 – 20	0 – 20	10	10
Side setback (ft)	0	N/A	0	5	5
Rear setback (ft)	0	0	0	20	20
Alley setback (min.) (ft)	0	0–5	0	10	10
Paseo Courtyard setback	0	0	0	10	10
Building separation	0	0	0	5	8
Main Building Height	20 min. 60 max.	50 max.	40 max.	35 max.	30 max.
<u>Minimum (ft)</u>	<u>20</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Maximum (ft)</u>	<u>65</u>	<u>55</u>	<u>45</u>	<u>45</u>	<u>35</u>

*Staff proposes increasing height limits in order to allow more housing units to be constructed.*

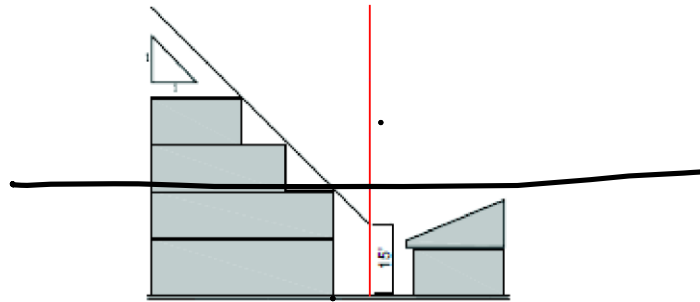
*Many of the proposed changes in this table are formatting and organizational clean-ups for clarity and usability. Regulations such as setbacks and heights that have both a minimum and maximum are broken into two rows, one for minimum and one for maximum.*

- ii. Additional Building Form and Site Design Requirements to Support Alternative Modes of Transportation.
  - a. Site Plans. Site plans shall encourage and support pedestrian, bicycle, and transit access by including facilities such as bicycle racks, pedestrian pathways through parking areas, pedestrian lighting, sidewalks, and street trees.
  - b. Building Orientation. All new buildings shall be oriented toward the adjacent public right-of-way (i.e., public street or public park) and shall provide a main public entrance with direct access to the public right-of-way. Exceptions may be granted for residential buildings if the finding can be made that the proposed design is appropriate for the site and the elevation fronting onto the public right-of-way is generally consistent with the Design Review Manual for the applicable building type.
  - c. Frontage Coverage. In the Gateway sub-district, a minimum of eighty-five (85%) percent of the area between the side property lines must be occupied by building mass, plazas, or paseos along the primary street frontage.
  - d. Service Orientation. Public and commercial service facilities such as automated teller machines shall also be located adjacent to the public right-of-way.



- e. Window Design. Within the Gateway sub-district, new buildings shall include windows along the public right-of-way that provide an unobstructed view into the building for a distance of at least five (5') feet.
- ii. Setbacks.
  - a. Front. Where a range is permitted by Table A, new buildings shall be aligned with the front setback of buildings on the abutting parcels to maintain and support the "street wall" character of the block face.
  - b. Side. In the Mixed Use and Residential sub-districts, side setback may be reduced to less than five (5') feet provided that side setback is at least ten (10%) percent of parcel width. In the Gateway and Workplace sub-districts a five-foot setback shall be provided in all cases when the property line abuts a Residential or Mixed Use sub-district property line.
  - c. Side Street on Corner Parcels. Within the Gateway sub-district, buildings shall be built to the side street right-of-way line for a minimum distance of twenty (20') feet from the corner. Portions of the building beyond twenty (20') feet may be set back up to fifteen (15') feet for outdoor seating or other non-automobile related public spaces. A setback greater than fifteen (15') may be approved with a Design Review application, if a finding can be made that the greater setback is needed to create pedestrian-oriented courtyards, plazas, and seating areas that will benefit the public pedestrian experience.
  - d. Rear. In the Gateway and Workplace sub-districts, a five-foot rear setback shall be provided if the rear property line abuts a Residential or Mixed Use district. In the Mixed Use and Residential Districts, the required rear yard setback may be reduced to five (5') feet if the rear property line abuts a Workplace or Gateway sub-district and provided that the proposed site plan provides the required useable open space and off-street parking requirements.
- ~~iii. Park Street Building Heights. New buildings over fifty (50') feet in height shall not be approved unless it may be determined by the Planning Board, or by the City Council upon appeal, that the building is consistent with the Design Review Manual special design guidelines for tall buildings on Park Street.~~
- iv. Building Height Exceptions. Corner towers and similar architectural design elements may exceed the maximum building height limit subject to design review approval provided that the all habitable areas and storage areas are within the maximum building height limit. Accessory buildings shall not exceed the height of the primary building. When adjacent to a one- or two-story residential building on an abutting parcel, building height for both primary and accessory buildings shall be limited by a 45-degree "relational" line originating at a height of fifteen (15') feet along the property line. If any side or rear lot line abuts a residential district, the maximum height of the adjacent residential district shall apply within 20' feet of the lot line.

*The existing regulation, which requires a 45-degree angle starting at 15 feet, is quite restrictive. The proposed standard strikes a balance between allowing development and responding to the context, limiting height adjacent to a residential district to the maximum allowed height in the residential district.*



- v. Off-Street Parking and Loading Requirements. Off-street parking shall be provided in accordance with provisions and requirements of Section 30-7, Off-Street Parking and Loading, Electric Vehicle Charging, and Transportation Demand Management. Properties within the Gateway sub-district shall be subject to the parking requirements for the Community Commercial District. When a surface parking area in the Gateway sub-district abuts a surface parking lot on an adjacent parcel with a retail or service use within the Gateway or Mixed Use sub-districts, access shall be provided between the adjacent parking lots, unless the Planning Board finds that access between the lots significantly degrades parking opportunities in the area or is not appropriate given unique conditions that exist on one or both of the adjacent parcels.

*This change simply updates the reference to the current name of the parking section.*

- vi. Maximum Residential Density: ~~None~~. ~~The maximum density for any residential development within the North Park Street District shall be one (1) housing unit per two thousand (2,000) square feet of land.~~
- vii. Residential Open Space Requirements. Usable open space consists ~~is comprised~~ of private open space and common open space as defined in Section 30-5.12. Dwelling units in Commercial Block and Stacked Flats building types shall provide a minimum of 40 square feet of usable open space per dwelling unit. Units in Work-Live and Multiplex shall provide a minimum of 120 square feet of useable open space. Courtyard units shall provide a minimum of 140 square feet of usable open space. Row houses shall provide a minimum of 240 square feet of usable open space. The Planning Board may consider provision of off-site open space in lieu of onsite open space provided that the Planning Board is able to find that the off-site open space: 1) will be provided concurrent with the development, 2) is located within a two (2) block radius of the residential development; and 3) will benefit a greater number of people than open space provided on site.

*b. Use Regulations.*

- i. Table B — Allowed Land Uses indicates the land uses that are permitted "by right" (P), by conditional use permit (C), or not permitted ( - ), within each sub-district. Uses permitted on the upper floor by right and on the ground floor with a conditional use permit are indicated by "P upper/C lower." Limitations that apply to specific land uses are indicated by numbers in parentheses (e.g., (1), (2), (3)) and described in table footnotes.

**Table B: Allowed Land Uses**

# Residential, Open Space, and Lodging

Use	Gateway	Maritime Manufac- turing	Workplace	Mixed Use	Residential
Dwelling unit upper floor	P	-	€	P	P
Dwelling unit ground floor	-	-	-	P	P
One-family dwelling	±	±	±	P	P
Two-family dwelling	±	±	±	P	P
Multifamily dwelling	P (1)	±	C (1)	P	P
Shared living	P (1)	-	- C (1)	- P	- P
Supportive housing	P (1)	±	C (1)	P	P
Transitional housing	P (1)	±	C (1)	P	P
Accessory dwelling unit	P (2)	P (2)	P (2)	P (2)	P (2)
Junior accessory dwelling unit	P (2)	P (2)	P (2)	P (2)	P (2)
Residential care, small	P (1)	±	P (1)	P	P
Residential care, large and senior	P (1)	±	C (1)	P	P
Low barrier navigation centers	P	±	C	P	P
Warming centers	P (3)	P (3)	P (3)	P (3)	P (3)
Bed and breakfast	-	-	C	P	C
Hotels	P	-	C	-	-
Community Garden	-	-	C	P	P
Parks/playground	-	-	-	P	P

## Use limitations and notes:

- (1) Permitted (or conditionally permitted, as noted) on upper floors of a mixed-use building if the dwellings, living quarters, or sleeping rooms are not located on the ground floor. are located in buildings also containing nonresidential uses and are not located on the ground floor.
- (2) Accessory dwelling units and junior accessory dwelling units, as regulated in Section 30-5.18, are permitted when a primary dwelling exists on the lot.
- (3) Permitted if accessory to a permitted, primary use.

*The generic term “dwelling unit” is replaced with the specific types of dwelling units (single-, two-, or multiple-family dwellings) allowed in each district.*

*Residential land uses, including multiple-family dwellings, shared living, supportive housing, transitional housing, and so forth, are added to the table and permitted in*

*order to implement fair housing policies in the updated housing element and comply with State law. The allowances shown in the above table are consistent with those that staff proposed to the Board during the workshop on 1/24/22.*

#### Office and Work Live

Use	Gateway	Maritime Manufacturing	Workplace	Mixed Use	Residential
Office, business and professional	P upper/C lower	P	P	P	-
Artist studio	P/C	C	P	P	
Artist studio industrial	C	P	C	-	-
Work/live	C	-	C	C	-

#### Retail

Use	Gateway	Maritime Manufacturing	Workplace	Mixed Use	Residential
Large format retail	C	-	C	-	-
Retail	P	-	C	-	-
Grocery store	C	-	C		
Convenience store	C	-	C	C	-
Art gallery or museum	P	P	P	P	-
Restaurant/cafe	P	-	P	C	-
Bars/tavern	C	-	C	-	-
Banks/financial	P	-	C	-	-
Personal services, such as salons, gyms, yoga, and similar activities	P upper/C lower	-	P	-	-
Alcohol sales for off-site consumption	C	-	C	-	-
Outdoor dining/entertainment/farmers market	C	-	C	-	-
Drive-up kiosk	-	-	C	-	-
Commercial recreation	C	-	C	-	-

## Institutional and Service

Use	Gateway	Maritime Manufacturing	Workplace	Mixed Use	Residential
Conference center	P	-	P	-	-
Library	C	-	P	C	C
Theater and entertainment	C	-	C	-	-
Religious assembly	-	-	-	C	C
Health clinic	C	-	C	C	-
Veterinary clinic	C	C	P	C	-
Police/fire station	-	-	C	C	C
Funeral home	-	C	C	-	-
Mortuary	-	C	C	-	-
College	-	-	C	-	-
School	-	-	C	C	-
Day care center	-	-	C	C	C
Family day care, small	- P (4)	-	€-P (4)	P (4)	P (4)
Family day care, large	P (4)		€-P (4)	P (4)	€ P (4)
Use limitations and notes:					
(4). Family day care homes are permitted by right if accessory to a residential use and are permitted within any dwelling type.					

*Regulations for family day care updated for consistency with State law. Health and Safety Code Section 1597.45 states that the use of a home as a small or large family daycare home shall be considered a residential use of property and a use by right. It also states that a small family daycare home or large family daycare home is where the family daycare provider resides, and includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses.*

## Automotive

Use	Gateway	Maritime Manufacturing	Workplace	Mixed Use	Residential
Auto sales	C	-	P	-	-
Auto repair/towing/service	C	C	P	-	-
Service station	C	C	C	-	-
Parking garage and lots	C	C	C	C	-
Car wash	-	C	C	-	-

## Marine

Use	Gateway	Maritime Manufacturi ng	Workplace	Mixed Use	Residential
Maritime workplace	-	P	P	-	-
Marine fuel sales	-	C	-	-	-
Boat and boat accessories sales, includes boat related accessories sales	-	P	P	-	-
Commercial marina	-	C	-	-	-
Dry boat storage	-	C	-	-	-

## Industrial

Use	Gateway	Maritime Manufacturi ng	Workplace	Mixed Use	Residential
Industrial, heavy	-	C	-	-	-
Industrial, light	C	P	P	-	-
Utilities, large	-	P	C	-	-
Utilities, small	P	P	P	P	P
Outdoor storage	-	C	C	-	-

- ii. Conditional use permits may be granted pursuant to the procedures and standards of Sections 30-21.3 and 30-21.4.
- iii. If a proposed use is not listed in Table B — Allowed Land Uses as a permitted or conditionally permitted use, it shall not be permitted unless the Planning Director or the Planning Board determines that the proposed use is substantially similar to a use specified as a permitted or conditional use in that sub-district. Such determination shall not permit the establishment of any use that would be inconsistent with the statement of purpose of the sub-district in question, and no interpretation shall have the effect of amending, abrogating, or waiving any other standard or requirement established in these regulations. In no case shall this provision be interpreted to permit check cashing businesses, tattoo parlors on the ground floor, gun and firearm sales, or tobacco and tobacco product stores except the sale of tobacco and tobacco products is allowed as accessory to other permitted or conditionally permitted uses.
- iv. Accessory uses customarily incidental to any of the above permitted uses when on the same lot are permitted. Accessory uses customarily incidental to any of the above conditional uses when located on the same lot are conditionally permitted with the granting of a use permit pursuant to AMC, Section 30-21.3 or 30-21.4. ~~Accessory dwelling units and junior accessory dwelling units, as regulated in Section 30-5-18, shall be permitted when a primary dwelling exists on the lot.~~

*Accessory dwelling units are still regulated the same way; they are simply moved to the use regulation table.*

- v. Work live uses shall be consistent with Section 30-15, except that in the North Park Street District, work live units may be allowed in new buildings consistent with the work live work type described in the Design Review Manual. Properties with the multi-family overlay zoning designation and projects that are eligible for density bonus waivers pursuant to Section 30-17 may include work live uses that are not consistent with the requirements of Section 30-15.

## Draft 30-4.26 Community Mixed Use Multi-family Residential Combining District.

Note to reviewers. This is new ordinance. Therefore there is no deleted or added text shown.

- a. *Purpose.* The Community Mixed Use Multi-family residential combining district (C-MF District) is intended to facilitate and support the construction of multifamily housing for all income levels and needs to accommodate Alameda's regional housing need as required by California Government Code sections 65580 and 65583 on shopping center sites designated for residential mixed-use development in the General Plan.
- b. *Applicability.* The development and use of land within the C-MF District shall comply with the provisions of the C-MF District, the provisions of the underlying zoning district, and all other provisions of the Alameda Municipal Code. In the event of a conflict between the provisions of the C-MF District and the provisions of the underlying district or the Alameda Municipal Code or Alameda City Charter Article 26, the provisions of the C-MF District shall govern.
- c. *Uses Permitted.* The following residential uses shall be permitted by right, in addition to those uses permitted in the underlying zoning district:
  1. Dwellings, multiple family;
  2. Shared living;
  3. Transitional housing;
  4. Supportive housing;
  5. Residential Care Large;
  6. Residential Care Senior; and,
  7. Low Barrier Navigation Centers.
- d. *Uses Requiring Use Permits.* Proposed uses that require a conditional use permit pursuant to the underlying site zoning shall continue to require a conditional use permit unless the use is permitted by right by the C-MF District.
- e. *Ground-floor Uses.* Buildings fronting onto Park Street, Shoreline, 5th Street, Wilver "Willy" Stargel Avenue, Island Drive, McCartney, and Marina Village Parkway shall provide ground-floor non-residential space of at least 30 feet in depth fronting onto the public right of way. Uses supporting upper-floor residential uses such as, mailrooms, leasing offices, and fitness rooms may be allowed within the required ground floor non-residential space.
- f. *Building Orientation.* Buildings adjacent to the publicly owned right-of-way shall be oriented toward the public right-of-way, with at least one main entry facing the public right-of-way.
- g. *Maximum and Minimum Permitted Residential Densities.* The maximum permitted residential density for a new building with residential uses shall be one hundred (100) units per acre, and the minimum density shall be thirty (30) units per acre. Density may be increased above one hundred (100) units per acre by transferring density between adjacent parcels, provided that 1) the increase in density does not require a variance from the height limit or other applicable development standards for the property, 2) the remaining available density on the adjacent parcel is not less than 30 units per acre, and 3) a deed restriction is placed on the adjacent property limiting its residential capacity to the remaining available density. Addition of dwelling units to an existing building constructed before 2020 within the original building envelope shall be exempt from residential density standards. For the purposes of this section, residential density shall be calculated by dividing the size of the existing or proposed parcel by the number of dwelling units in the proposed building.
- h. *Height Limit.* The building height limit shall be 65 feet, unless the underlying zoning district provides a greater height limit, in which case the greater height limit in the underlying zoning district shall govern.
- i. *Development Review Requirements.* The review of development proposals that include residential development consistent with the C-MF District provisions shall be limited to findings for approval contained in Section 30-37.5, Design Review. No other discretionary action shall be required for residential development projects consistent with the C-MF District regulations, unless the applicant requests a variance from the requirements of the C-MF District or other applicable section of the Alameda Municipal Code. Proposals to subdivide land shall



be processed consistent with the Subdivision Map Act. Findings for approval, conditional approval or denial of a residential use based on design review or application for a variance shall be consistent with Government Code Section 65589.5.

### **30-37.2 Improvements subject to Design Review and Exemptions.**

- a. All improvements require Design Review approval unless specifically exempt pursuant to Section 30-37.2b.
- b. Exempt Improvements:
  - 1. Interior improvements;
  - 2. Replacement-in-kind provided that any structure being replaced is less than one thousand two hundred (1,200) square feet in size and not a main structure;
  - 3. Any improvement that does not require a building permit pursuant to the Building Code;
  - 4. Fences;
  - 5. Restoration of an original architectural element consistent with architectural style of structure at the time of construction or in cases where the entire architectural style of a building has been completely renovated into a new style, the new element shall be consistent with the new architectural style as set forth in the Design Review Manual;
  - 6. Reroofing, when no structural alteration will take place;
  - 7. Any addition or improvement that meets all of the following criteria:
    - A. The gross floor area of the improvement is less than one thousand two (1,200) square feet;
    - B. The improvement is a one (1) story accessory structure or the improvement is located on the first story as defined by the Building Code;
    - C. The improvement is not located on a street facing elevation or in a street facing yard, and the improvement is in compliance with all applicable lot coverage, open space, and setback requirements of the applicable zoning district;
    - D. The improvement includes exterior materials, architectural detailing, roof pitch and design, windows, and doors that are a visual match to the existing, or if the structure or element has been previously modified, original design of the structure at the time of construction;
  - 8. Foundation work;
  - 9. New or refaced signs, regulated under Section 30-6 with approved sign permits and signs that meet the requirements of an approved sign program;
  - 10. Green roofs and similar vegetated roof features that do not involve modifications to the roof form or roof pitch, or existing tile or slate roofs, or a historic structure;
  - 11. New awnings that meet all of the following criteria:
    - A. Is covered in an opaque, non-glossy fade and fire resistant fabric material;
    - B. Matches the alignment and shape of any existing awning on the same level of the building; if consistent with other criteria;
    - C. Does not cover transom windows or extend more than six (6") inches beyond the perimeter of a window, door or other opening;
    - D. Is not placed over pilasters, columns or other prominent vertical elements;
    - E. Provides a minimum of eight (8') feet of vertical clearance for framed portions and seven (7') feet for any unframed valances;
    - F. Exhibits a slanted or, if over arched windows or individual upper floor windows, a domed shape;
    - G. Is not internally illuminated; and
    - H. Has all required encroachment permits.

12. Awnings with approval by the City of Alameda Facade Improvement Program;
13. Docks which comply with the standards of the Alameda Municipal Code;
14. Changes to an existing parking lot provided that the lot is not visible from the public right-of-way and the number of parking spaces or the area of landscaping are not being reduced;
15. New solar collection systems or skylights;
16. Accessory dwelling units and junior accessory dwelling units consistent with development regulations and review processes of Section 30-5.18;
17. Alterations to chimneys for seismic safety purposes, as determined by a licensed contractor or engineer, provided none of chimney is visible as part of an exterior wall and the chimney is not a character-defining feature on properties listed as a historic resource;
18. Window and door improvements, including new installation, removal, relocation, or resizing of existing openings, provided the improvement:
  - A. Does not alter any original or other architecturally significant character-defining features, such as stained glass, decorative arches and other special treatment;
  - B. Is made of materials that outwardly have the same dimensions, proportions, details, and textures of the original architectural style of the structure and that outwardly appear unchanged from the original architectural style. If the original design of a structure and/or element is removed or altered or if the original design elements are not known, the improvement shall be consistent with the treatment of substantially altered buildings as set forth in the City of Alameda Design Review Manual.
19. The following types of projects when in compliance with the objective zoning standards of the Alameda Municipal Code and the adopted Objective Design Review Standards:
  - A. Multi-family housing developments and mixed-use developments that meet the eligibility criteria for the Streamlined Ministerial Approval Process provided by Government Code Section 65913.4.
  - B. One and two family homes proposed in the R-1 District in compliance with Government Code Section 65852.21, and as adopted by local ordinance.
  - C. Transitional and supportive housing developments.
  - D. Low barrier navigation centers, as defined by Government Code Section 65660.
  - E. Any other project for which State law limits local jurisdictions' review of design to compliance with objective standards.

(Ord. No. 3027 N.S., § 2, 3-1-2011; Ord. No. 3168 N.S., § 6, 11-15-2016; Ord. No. 3184 N.S., § 13, 7-5-2017; Ord. No. 3255 N.S., § 3, 11-19-2019)

### **30-37.3 Applications for Design Review.**

- a. Any person or entity proposing to construct or locate within the City any improvement subject to Design Review, shall file an application for review of the project.
- b. The form of the Design Review applications shall be as required by the Design Review Staff, and shall be accompanied by architectural and site development drawings, drawn to scale and shall include all information specified in the application form.
- c. Design Review Staff may require additional information from applicants which is pertinent to the application necessary to evaluate the project.

(Ord. No. 3027 N.S., § 2, 3-1-2011)

### **30-37.4 Reserved.**

### **30-37.5 Findings.**

To grant Design Review approval, the following findings must be made:

- a. The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.
- b. The proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses; and
- c. The proposed design of the structure(s) and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development.

(Ord. No. 3027 N.S., § 2, 3-1-2011)

### **30-37.6 Expiration and Extension.**

Design Review approval shall expire ~~two~~three (3) years from the initial date of approval unless substantial construction has commenced under valid permits. Design Review approval may be extended by the ~~Community Development Planning~~ Director upon application for up to two (2) additional years from the date of expiration.

~~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.

*Currently, land use classifications (e.g., single-family dwelling, restaurant, business and professional office, light industrial) are mixed together with general terms (e.g., height, lot, yard), so code users have to scroll through a long list of terms to find and compare land uses. Section 30-2 is currently organized with all the terms running alphabetically, so similar uses are not necessarily near one another.*

*The recommended amendments would distinguish land use classifications from definitions of general terms. It would also group similar land use types (e.g., residential, civic, commercial, maritime and industrial) together. This would make it easier for code users to identify and compare land uses and determine which uses are allowed in each zoning district.*

#### a. *Residential Uses.*

*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.

*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.

*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.*~~

*Dwelling, multiple-family* shall mean a building designed and/or used to house three (3) or more families, living independently of each other.

*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.

*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.

~~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."~~

*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.

~~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.)~~

*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.

*In a future amendment, staff recommends moving these standards for home occupations out of the definitions to a special section of the code dedicated to standards for specific uses.*

Kitchen. Any room or area within a dwelling unit or living quarters to be used for storing, cooking and preparing of food that includes permanent/fixed cooking facilities supported by a 220-volt electrical service or a gas line.

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.)

~~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.~~

*Staff recommends deleting the definition of “community care facility” because it only appears once in the district use regulations and because it will be covered by more specific classifications of “residential care facility” and “large family day care.”*

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. This classification applies to facilities that provide care for more than six persons; a senior residential care facility for six or fewer persons would instead be classified as “small.”

*Staff recommends making the definition of “residential care facility” consistent with definitions in State law and including subclassifications for small, large, and senior residential care (assisted living).*

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.

*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.

*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.

*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.

*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.

*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 a Warming Center 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.

*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.

#### b. Commercial and Civic Uses.

*Animal shelter* shall mean a facility operated for the purpose of impounding or caring for seized, stray, distressed, homeless, abandoned, or unwanted animals.

*Art gallery* shall mean an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

*Artist's studio* shall mean an establishment or work space for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft. An establishment for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leather craft, hand-woven articles, and related items.



*Banks, savings and loan services* shall mean financial institutions that provide retail banking services to individuals and businesses. These institutions include banks, savings and loans, credit unions, security brokers and real property lending institutions. It does not include check cashing or payday advance uses.

*Bar* shall mean a place where alcoholic beverages are sold in unpackaged form for consumption on the premises, does not include food prepared in a kitchen located on the premises and does not admit persons under the age of twenty-one (21). This classification includes businesses with Alcoholic Beverage Control (ABC) licenses 40, 42, 48, 49, or 61.

*Bed and breakfast facility* shall mean a building or portion thereof or group of buildings containing rooms used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit, and subject to all regulations listed below:

1. A use permit shall be obtained where required.
2. Parking shall be provided in accordance with Section 30-7 of the zoning regulations.
3. Signs shall be permitted in accordance with Section 30-6 of the zoning regulations.
4. Design review shall be required for interior and exterior modifications of the structures and grounds.
5. Any structure proposed for a bed and breakfast facility shall be listed in the City's historical building list as an "N" designated structure.
6. Open space shall be provided as required by the zoning district in which the bed and breakfast facility is located.
7. Interior residential features shall be retained in a manner which will allow reconversion back to a purely residential use.
8. Those buildings containing separate units, each with individual kitchen facilities and used for long term rental, shall not be converted to bed and breakfast facilities.
9. Bed and breakfast facilities shall be managed and occupied by the owner of the property.
10. Guests shall check in and out only between 8:00 a.m. and 8:00 p.m.
11. The maximum stay for guests shall not exceed fourteen (14) days within any thirty (30) day period. No long-term rentals shall be allowed.
12. No cooking facilities shall be allowed in the guest rooms.
13. There shall be only one (1) meal, breakfast, served daily and limited to transient guests only.

*Boutique theater* shall mean a theater with audiences of forty-nine (49) persons or less for live performances or for the screening of motion pictures where there is only one (1) screen in the theater.

*Check cashing and personal loan services* shall mean businesses whose primary purpose is to provide limited financial services to individuals, such as check cashing and deferred deposit loans. This includes check cashers, payday advance businesses and other business regulated by the State of California's Check Cashier Permit Program, per the California Civil Code, Section 1789. A check cashing use in conjunction with another use will be considered accessory to the use if the check cashing is not advertised outside the business premises or by signs visible from the outside of the building.

*Commercial recreation* includes recreational uses such as skating rinks, bowling alleys, arcades, paintball, children's playland, rock climbing, miniature golf and other similar establishments of an entertainment or amusement nature that are conducted within a building for commercial purposes.

*Community garden* shall mean a private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

*Commercial marina* shall mean a marina that contains recreational boat berthing facilities and attendant supporting services that are leased or rented. All commercial marinas in the C-2, C-M, M-1 and M-2 zones in

operation with permits from the City as of July 1, 1988, shall be deemed conforming uses, but shall not be expanded or substantially changed without first obtaining a use permit.

Community assembly shall mean facilities for public or private gatherings, including but not limited to places of worship; public and private nonprofit clubs, lodges, and meeting halls; and community centers. This classification includes accessory facilities for the use of members and attendees such as kitchens, multi-purpose rooms, and storage. It does not include gymnasiums or other sports facilities, convention centers, residential accommodations, or facilities such as day care centers and schools, which are classified and regulated separately.

*The proposed “community assembly” definition ensures that religious and secular assembly activities are treated equally in the AMC.*

*Conference center* shall mean a facility designed to accommodate conventions, conferences, seminars, and/or entertainment activities.

*Convenience store* shall mean retail sales of food, beverage and small convenience items primarily for off-premises consumption and typically found in establishments with long or late hours of operation (including open between the hours of 10:00 a.m. and 7:00 p.m.) and/or within a building with a floor area of less than 5,000 square feet. This definition excludes tobacco stores, liquor stores, delicatessens, confectioneries and other specialty food shops and establishments having a sizeable assortment of fresh fruits and vegetables, and fresh-cut meat, fish or poultry.

*Day care center* shall mean a non-residential business or institution that provides care for persons on less than a twenty-four (24) hour basis, that is licensed by the State of California, and includes nursery schools, preschools and day care centers for children or adults, but excludes smaller residential facilities conforming to the Family day care, Large and Family day care, Small definitions.

*Day spa* shall mean a facility which specializes in the full complement of body care including, but not limited to, body wraps, facials, pedicures, make-up, hairstyling, nutrition, exercise, water treatments and massage which is open primarily during normal daytime business hours and without provisions for overnight accommodations.

*Funeral home* shall mean a facility for human funeral services and the display of the deceased and rituals connected therewith before burial or cremation.

*Grocery store* shall mean:

1. A facility which sells to the general public primarily groceries, vegetables, fruits, meats, poultry, fish, canned and cartoned goods, milk, juices, soft drinks and similar items, and other food stuff for preparation and consumption off of the premises, and toiletries and other items for personal or home use. A grocery store may sell packaged alcoholic beverages and includes the following types:
  - (a) A facility five thousand (5,000) square feet or more in gross area.
  - (b) A facility less than five thousand (5,000) square feet in gross area which is not open for business between the hours of 10:00 p.m. and before 7:00 a.m.; or
2. A facility less than five thousand (5,000) square feet in gross area in which the chief item of sale is specialty items, such as fruits and vegetables, meats and fish, cheese, or coffee, for preparation and consumption off premises. This facility may sell related goods, such as cartoned and canned goods, milk, juices, soft drinks, toiletries and personal items incidental to its primary use, and is not open for business between the hours of 10:00 p.m. and 7:00 a.m.

*Garage, commercial* shall mean a building, other than a private garage used for the parking, repair or servicing of motor vehicles.

*Garage, parking* shall mean a public garage designed and/or used on a commercial basis for the storage of vehicles only.

*Health clinic* shall mean a facility whether public or private principally engaged in providing services for health maintenance, diagnosis, or treatment of human diseases, pain, or injury.

*Hotel* shall mean any building or portion thereof containing six (6) or more guest rooms used, or intended, or designed to be used, let or hired out to be occupied by six (6) or more paying guests.

*Large format retail* shall mean a single stand-alone store or collection of retail uses, developed and or managed within a single building or shopping center which individually or cumulatively include over thirty thousand (30,000) square feet of retail sales floor area.

*Liquor store* shall mean any establishment primarily selling packaged alcoholic beverages, in unopened containers.

*Mortuary* shall mean a facility for the storage and preparation of the human dead for burial or cremation. A mortuary may include funeral homes.

*Motel* shall mean a group of attached or detached bedroom and bath units without kitchens, and with individual outside entrances, which are designed and used for transient occupancy.

*Multiple screen theatre* is a theatre designed for the exhibition of movies that contains two (2) or more auditoriums or separate rooms for the display of movies.

*Museum* shall mean an establishment or activity serving as a repository for a collection of natural, scientific, historical, or literary objects, and works of art arranged, intended and designed to be used by members of the public for viewing with or without admission charge.

*Offices, business and professional* shall mean offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, real estate, insurance, investment, legal, and medical/dental offices. This classification includes medical/dental laboratories incidental to an office use, but excludes banks, savings and loan and check cashing uses.

*Outdoor advertising* shall mean any sign or device of any kind or character whatsoever, designed to advertise or attract attention to any product or enterprise placed for outdoor advertising purposes; on the ground, on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term placed as used in the definitions of "outdoor advertising" and "outdoor advertising structure" shall mean and include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or to make visible in any manner whatsoever.

*Psychic services* shall mean businesses or establishments which provide psychic services, which include but are not limited to the practices of: astrology, palmistry, phrenology, life-reading, fortunetelling, cartomancy, clairvoyance, clairaudience, crystal-gazing, mediumship, prophesy, augury, divination, mind reading or necromancy.

*Restaurant* shall mean a use which provides food and/or beverages primarily for on-site consumption including full-service restaurants and small self-service restaurants. Restaurant uses shall include a commercial kitchen.

*Restaurant, fast food and drive-through* shall mean businesses that offer quick food service which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried or griddled quickly. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.

*Schools, public and private* shall mean facilities for kindergarten through 12th-grade ("K – 12") education, including public schools, charter schools, and private and parochial schools with curricula comparable to that required in the public schools of the State of California.

*Grouping public and religious schools in the same classification helps emphasize that they are treated equally in the AMC, to comply with RLUIPA, a federal law on religious freedom.*

*Service station* shall mean a retail business establishment supplying only gasoline and oil, and minor accessories and services for automobiles.

*Super store* means a single retail store or tenant that exceeds ninety thousand (90,000) square feet in size and includes ten (10%) percent or more sales floor area devoted to non-taxable merchandise.

*Tavern* shall mean a use which provides food and/or beverages primarily for on-site consumption including the sale of alcoholic beverages. Tavern uses shall include a commercial kitchen.

*Theatre* includes movie and live theatres and other structures designed for public exhibitions but, as to movie theatres, does not include a multiple screen theatre.

*Tobacco and tobacco products stores* shall mean businesses devoted primarily to the sale of tobacco products, as defined by (a) devoting twenty (20%) percent or more of total floor area or display area to or (b) deriving seventy-five (75%) percent or more of gross sales receipts from, the sale or exchange of tobacco-related products.

*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. Industrial & Maritime Uses.

*Artist's studio industrial* shall mean an establishment or work space for artists, crafts person or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft primarily for the preparation, display, and sale of individually crafted large scale objects, artwork, sculpture, ceramics, or product that require the use of heavy machinery, large scale ovens or kilns, or hazardous materials.

*Hazardous materials processing* shall mean one (1) or more activities to clean, repackage, or perform another industrial operation involving hazardous waste which is brought onto a site and reprocessed, with the end product sent off-site. This definition shall apply to businesses which have hazardous materials processing as the principal use, not to businesses which perform hazardous waste reduction as an ancillary activity.

*Industrial, heavy* shall mean an establishment or activity that includes research and development, manufacture, fabrication, or processing of any article, substance, or commodity and includes storage areas, truck access and loading areas, warehouses, and other similar activities and facilities that may produce off-site external effects such as smoke, noise, odor, vibration.

*Industrial, light* shall mean an establishment or activity conducted primarily within an enclosed building that includes research and development, manufacture, fabrication, or processing of any article, substance, or commodity and includes storage areas, truck access and loading areas, warehouses, and other similar activities and facilities that do not produce off-site external effects such as smoke, noise, odor, vibration.

*Maritime workplace* shall mean an establishment or activity required for the support of, or commonly associated with, the construction, repair, operation, storage, loading, and unloading of boats, waterfront dock and port facilities, marinas, navigational aids, boat fuel and equipment supply, ground level parking incidental to such uses, and other activities the primary purpose of which is to facilitate maritime activity and trade.

*Motor truck terminal* shall mean a facility which serves (including parking, storage, servicing, repairing, overhauling, loading or unloading) at any one time, more than ten (10) truck units of four (4) axles or more (a "truck unit" being a tractor-semitrailer regularly operated as a single unit), or a truck and trailer operated as a single unit).

*Utilities, large* shall mean facilities and infrastructure for the delivery of energy, water, sewer, gas, and communications to the city, such as one hundred fifteen (115) kv power transmission lines, electrical substations and power plants, wastewater treatment facilities.

*Utilities, small* shall mean facilities and infrastructure for the delivery of energy, water, sewer, gas, and communications to the block, neighborhood, or district, such as wastewater pump stations, hydrants, switching boxes, transformers, and other facilities and structures typically located in the public right-of-way.

### 30-2.3 - General Terms.

*Accessory building* shall mean a detached subordinate building, the use of which is incidental to that of the main building(s) on the same lot or to the primary use of the land.

*Accessory use* shall mean a use of a building which is incidental or subordinate to the principal use or building located upon the same lot.

*Agency* shall mean an office or commercial establishment in which goods, material or equipment are received for servicing, treatment or processing elsewhere.

*Alley* shall mean a public or permanent private way or lane less than forty (40') feet in width which affords a secondary means of access to abutting property.

~~*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.)~~

*Antenna, satellite dish* shall mean a dish-shaped device designed to receive television signals transmitted from orbiting satellites, as well as all supporting equipment necessary to install or mount the antenna.

*Balcony* shall mean a platform enclosed by a railing or balustrade projecting from the exterior wall of a building, accessible only from the interior of the building.

*Bay window* shall mean an architectural projection built out from a wall, with windows and without any, or very limited, solid wall area on the longest wall of the projection itself.

*Breezeway* shall mean a covered or partially covered, partially enclosed passageway, which may include stairs, connecting parts of a building or two (2) buildings.

*Building coverage* shall mean the percentage of the lot area which may be covered by all buildings and roofed structures on a parcel except eaves, sills, cornices.

*Building height* shall mean the vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof ridge or parapet wall.

*Building height (maximum)* shall be established by an assumed plane, as measured perpendicularly from the existing grade, and as prescribed by the subject zoning district. Except as provided for under Section 30-5.8 (Height Exceptions), no portion of the structure, including any part of the roof, may project above the assumed plane.

*Building site* shall mean the land area of a lot within the required yards occupied by or capable of being covered by main buildings permissible under this chapter.

*Building width* shall mean the total width of the primary building facade fronting on a street. For corner parcels, maximum building length standards apply to both front and side facades.

*Canopy* shall mean a hood, awning, or shade overhanging a window, doorway, or niche.

*Carport.* See Garage, Private.

*Conditional space* shall mean that portion of a residential structure, measured as floor area, which is defined as "conditioned space" by the California State Energy Regulations (i.e., all floor areas included in Title 24 calculations).

*Deck* shall mean a flat, uncovered platform constructed of wood, concrete, or any impervious material, extending at grade or elevated over yard areas or atop a structure.

*Dormer* shall mean an architectural projection built out from a sloping roof and typically houses a vertical window or ventilation louver. A dormer can be further defined by the type of roof on the projection itself, and includes the terms gable dormer, hip dormer, shed dormer (which is also known as a "monitor") and eyebrow dormer.

*Drive-in* shall mean a place of business laid out and equipped so as to allow its patrons to be served or accommodated while remaining in their vehicles.

*Drive-up kiosk window* shall mean a small building or kiosk with a window or opening through which occupants of a motor vehicle receives or obtains a product or service.

*Driveway* shall mean a paved, or alternate all weather surface as approved by the City Engineer, that provides access from a publicly accessible travel way to parking and/or loading spaces that are located in conformance with subsection 30-7.8: Location of Parking Spaces and Prohibited Parking Area.

*Floor area* shall mean the total area of all the floors measured from the exterior faces of the building, including hallways, interior and exterior stairways, storage rooms, etc., and all areas that are greater than fifty (50%) percent enclosed with walls and covered, but excluding any basement or attic area with ceiling heights of less than seven (7') feet.

*Garage, private* shall mean an accessory building or portion of a building, designed and/or used only for the shelter or storage of vehicles by the occupants of the dwelling, including covered parking spaces or carports.

*General plan* shall be construed to mean the comprehensive, long range, general plan more particularly described as the "Outline Master Plan," adopted by the City Planning Board of the City of Alameda April 30, 1956, and any amendments which may be made subsequent thereto.

*Grade, average* shall mean the average level of the highest and lowest portion of the lot covered by a building, deck, portion of a deck, or a patio cover.

*Grade, existing (adjacent ground elevation)* shall mean the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five (5') feet from the building, between the building and a line five (5') feet from the building.

*Habitable Space* shall mean a space in a structure for living, sleeping, eating or cooking, and that complies with the applicable A.B.C.'s minimum requirements for habitable space, which include but are not limited to requirements for insulation, heating, egress and minimum ceiling height. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

*Hazardous waste* shall mean any hazardous waste, material, substance or combination of materials which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed; and which requires special handling under any present or future federal, state or local law. This excludes minimal quantities of waste of a type and amount normally found in residential solid waste after implementation of programs for the safe collection, recycling, treatment and disposal of household hazardous waste in compliance with Sections 41500 and 41802 of the California Public Resources Code, as amended from time to time. Hazardous waste shall include, but not be limited to: (a) substances that are toxic, corrosive, inflammable or ignitable; (b) petroleum products, crude oil or any fraction thereof and their derivatives; (c) explosives, asbestos, radioactive materials or related hazardous materials; and (d) substances defined by applicable local, state or federal law as hazardous substances, hazardous materials, reproductive toxins, or toxic substances.

*Hedge* shall mean a boundary formed by shrubs or trees planted in a close row such that the foliage of each shrub or tree intermingles with the foliage of the adjacent shrubs or tree obscuring the main stem or trunk.

*Height, building.* See Building Height, this section.

*Height, deck* shall mean the vertical distance between existing average grade and the upper floor surface of a deck, calculated separately for each level of deck.

*Height, patio cover* shall mean the vertical distance between existing average grade and the highest point of the exterior roof surface of a patio cover.

*Helicopter port* shall mean land improved and intended to be used for the landing and taking off of helicopters or vertical flying aircraft.

*Historic structure* shall mean a building listed on the Historical Building Study List or one that was built before 1942.

*Key lot* shall mean a lot whose side property line abuts the rear property line of a corner lot that fronts on a street which intersects with the street on which the key lot fronts.

*Landing* shall mean a platform that is part of a staircase.

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

~~*Loading area* shall mean a permanent usable space not less than ten by forty (10' x 40') feet in size for the parking, loading and unloading of trucks or other commercial vehicles.~~

Lot shall mean either:

1. A parcel of real property when shown as a delineated parcel of land with a number or other designation on a plat recorded in the office of the County Recorder prior to November 20, 1956; or
2. A parcel of land the dimensions of which are defined by a record of survey or tract or parcel map recorded pursuant to the provisions of the Subdivision Map Act of the State of California in the office of the County Recorder; or
3. A parcel of real property not delineated as in subparagraph 1. or 2. and containing not less than the prescribed minimum requirements of a building site;
4. A parcel of real property as defined in subparagraph 3. and bisected by a lot line(s) of a parcel(s) delineated pursuant to subparagraphs 1. or 2., the Title to which, with or without encumbrances, is unified; or
5. A lot of record;
6. "Lot" shall not include a unit of a condominium as defined in the general law;
7. The above definitions are mutually exclusive: Subparagraphs 3. and 4. shall not apply when their application would create an adjacent substandard parcel.

*Lot, corner* shall mean a lot located at the junction of two (2) or more intersecting streets, with a boundary line thereof bordering on two (2) or more of such streets. The shortest such street frontage shall constitute the front of the lot. The front of a square corner lot shall be determined by the lot pattern of the block in which such lot is located.

*Lot of record* shall mean land designated as a separate parcel on a plat, map or deed in the records of the Alameda County Recorder on or before the effective date of this chapter.

*Lot width* shall mean the distance between side lot lines measured at the front yard building line.

*Main Building(s)* shall mean a building, or buildings, which typically contains the principal use(s) of any lot. There may be more than one (1) main building on a lot.

*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.

*Nonconforming building* shall mean a building or structure or portion thereof which was designed, and erected or structurally altered prior to the effective date of these regulations or any subsequent amendments thereto for a use which does not conform to the use regulations of the district in which it is located.

*Nonconforming use* shall mean a use which occupies a building or open land, and which does not comply with the use regulations of the district in which it was located prior to the effective date of these regulations, or any subsequent amendments thereto.

*Outdoor advertising structure* shall mean any structure of any kind or character erected, maintained or used for outdoor advertising purposes, upon which any outdoor advertising is or may be placed, including also outdoor advertising statuary.

*Parking lot* shall mean an area of land which is accessible and usable for the off-street parking of motor vehicles.

*Parking space* shall mean an area designed for the parking of a single motor vehicle, conforming to the requirements of this article.

*Parking, tandem* shall mean any parking space which partially or wholly occupies the driveway or backup area for another parking space.

*Parking, unenclosed* shall mean any parking space with or without a roof which is less than seventy-five (75%) percent enclosed by walls.

*Patio structure* shall mean a one (1) story structure unenclosed by walls on and partially or fully roofed, including but not limited to sunshades, trellises, pergolas, gazebos, and lath houses, which may be attached to or detached from the main building or accessory building. The definition of patio structure excludes structures partially or fully enclosed by solid walls and/or glazing, such as sunrooms or greenhouses. For the purpose of this definition, the walls of adjoining main and/or accessory building(s) shall not be considered as having "enclosed" the patio structure, providing that such walls do not constitute a) more than two (2) of the four (4) sides of the patio structure and b) more than fifty (50%) percent of the patio structure's perimeter.

*Porch* shall mean an appendage of a structure generally at its entrance, partially enclosed by walls and/or columns and generally covered by a roof, which provides transition from exterior to interior spaces; it may be screened or glass enclosed.

*Setback line* shall mean a line established by this chapter to govern the placement of buildings with respect to streets and alleys.

*Sign* shall mean any object, device, display, or structure, or part thereof, situated either outdoors, or indoors in such a manner as to be primarily viewed from the outside, which is used to advertise, identify, display, direct, or attract attention to a business, organization, institution, service, event, object, product or location by any means including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term "sign" shall include any structure which is erected or used for sign purposes, upon which the sign is placed including sign statuary, or which was once used for signage.

*Story* shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six (6') feet above grade, as defined in the Alameda Building Code, for more than fifty (50%) percent of the total perimeter or is more than twelve (12') feet above grade, as defined in the Alameda Building Code, at any point, such usable or unused under floor space shall be considered as a story.

*Street* shall mean a public or permanent private way forty (40') feet or more in width which affords a primary means of access to abutting property.

*Street frontage* shall mean the portion of a lot that abuts on a street.

*Structural alterations* shall mean any change in the supporting members of a building, such as foundation, bearing walls, columns, beams or girders and floor joists, ceiling joists of roof rafters.

*Structure* shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed or parts joined together in some definite manner.

*Sunroom* shall mean a non-habitable area attached to a main building that is enclosed with glazing, and is primarily used for recreational and outdoor living purposes.

*Transient boat* shall mean a boat that is anchored in the City for a period of seventy-two (72) hours or less at a time, and for a total of no more than seven (7) days per year.

*Variance* shall mean an exception to the provisions of this chapter granted pursuant to Section 30-21 herein that does not alter the use of property or increase the density of the use of the property to an intensity permitted by a different zoning district than that in which the property is located.

*Yard, front* shall mean a yard extending across the full width of the lot measured between the front property line (or the lot line connected to a street by legal access) and the nearest point of the wall of a building or enclosed or covered porch on such lot. The front yard of a corner lot is the yard adjacent to the shorter street frontage of such lots.

*Yard, minimum required* shall mean the minimum depth, as prescribed for a particular zoning district, of the area of land between a main building and the property's perimeter, and which must remain free of structures and unobstructed from the ground to sky except for such exceptions and encroachments as may be permitted by this article which include, but are not limited to, allowances to permit accessory buildings, patio structures and roof eaves.

*Yard, rear* shall mean a yard extending across the full width of the lot measured between the rear line of the lot and the rear line of the main building or enclosed or covered porch nearest the rear line of the lot.

*Yard, side* shall mean a yard on either side of the lot extending from the front line of the main building or enclosed or covered porch to the rear line of the main building or enclosed or covered porch, the width of each yard being measured between the side line of the lot and the nearest part of the main building or enclosed or covered porch.

*Yard, street side* shall mean a yard extending along the street side of a corner lot from the front lot line to the rear lot line, and to a depth measured inward from the street side lot line to the nearest side line of the main building.

*Yards* shall mean land surrounding a building site unoccupied or unobstructed, except for such encroachments as may be permitted by this article.

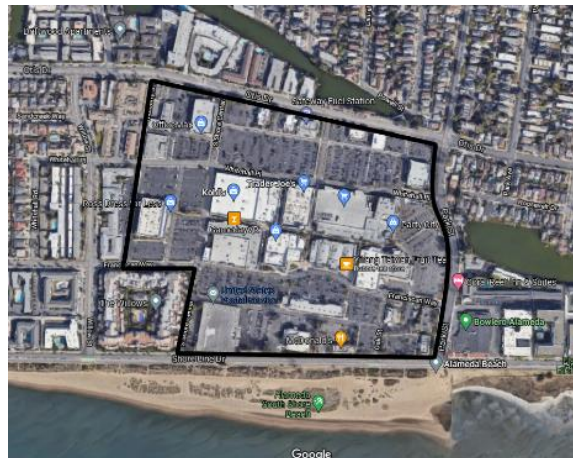
## Sites that will be rezoned with new Zoning Designation.

### Shopping Center Sites to be rezoned with new overlay

Alameda Landing Shopping Center



South Shore Shopping Center



Marina Village Shopping Center



Harbor Bay Shopping Center



### Sites to be rezoned to residential use from industrial use or open space use.

AUSD Thompson Field

2199 Clement Avenue





