

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City Attorney
City of Alameda
2263 Santa Clara Avenue, Rm. 280
Alameda, CA 94501

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DEVELOPMENT AGREEMENT – ALAMEDA POINT – SITE A, AMENDMENT 1

This Development Agreement – Alameda Point – Site A, Amendment 1 (this “**First Amendment**”) is entered into on _____, 2022 (“**First Amendment Effective Date**”), by and between the City of Alameda, a municipal corporation (the “**City**”) and Alameda Point Partners, LLC, a Delaware limited liability company (the “**Developer**”). The City and the Developer are sometimes referred to collectively as the “**Parties**” or individually as a “**Party**.”

RECITALS

This First Amendment is based on the following facts, understandings and intentions of the City and the Developer:

A. The City and the Developer entered into that certain Development Agreement for Alameda Point-Site A dated as of August 6, 2015 and recorded _____ as Document No. _____ in the Official Records of Alameda County (the “**Development Agreement**”). The capitalized terms used herein shall have the meaning set forth in the Development Agreement, unless otherwise specifically provided herein.

B. The Development Agreement contemplated the development of a 68-acre area within Alameda Point that extends generally from the Main Street entrance of Alameda Point to the eastern edge of Seaplane Lagoon and included 800 housing units (200 of which are affordable), 600,000 square feet of commercial development, extensive parks and utility infrastructure, consistent with the Site A Development Plan, which was adopted on May 11, 2015 by Resolution No. PB-15-09 and amended on May 22, 2017 by Resolution No. PB-17-08 (as amended, “**Site A Development Plan**”).

C. Since approval of the Site A Development Plan, the Developer and its partners have constructed among other improvements 454 housing units (128 affordable units), two public parks and a Ferry Terminal.

D. On July 25, 2022, the City Planning Board conducted a duly noticed public hearing and approved amendments to the Site A Development Plan, PLN22-0172 (Resolution No. PB-22-11) (“**Amended Site A Development Plan**”), and recommended approval of the First Amendment (Resolution No. PB-22-12).

E. On September 6, 2022, the City Council, following a duly noticed public hearing, and after consideration of the Planning Board's recommendation thereon, all other evidence heard and submitted at such public hearing, found that approval of the First Amendment is in compliance with CEQA and found and determined that the First Amendment is consistent with the General Plan and other regulations prescribed for the use of land, and introduced the ordinance approving this First Amendment ("Ordinance"). On September 20, 2022, the City Council adopted the Ordinance.

F. The Developer and the City wish to enter into this First Amendment to further effectuate the program of development contemplated by the Amended Site A Development Plan. The Parties have entered into this First Amendment to memorialize their understanding and commitments concerning the matters generally described above.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing Recitals, which are incorporated herein by reference, and for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the City and the Developer agree as follows:

1. Recital F of the Development Agreement is hereby deleted in its entirety and the following is substituted in lieu thereof:

"The **"Project"** is a high quality, mixed-use "urbanistic" development of the Property that will attract a mix of residential, commercial, retail, restaurants, and service businesses that can help create a walkable, inviting shopping experience, provide a "sense of place" for the community, create jobs for residents of the community and be the catalyst for the revitalization of the Alameda Point district and community as a whole. The Project will comply with the Transportation Demand Management Plan for Alameda Point ("**TDM Plan**"), which was approved by the City Council on May 20, 2014, by providing an innovative transportation program designed to maximize transit usage and opportunities for walking and biking, with a dense mixed-use urban core in close proximity to transit, thereby providing a model for sustainable development. The Project is more fully described in the Amended Site A Development Plan, which is attached as Exhibit B, herein incorporated by reference without limitation to define the Project as including the following components:

- a. Approximately 1,300 residential units, of which 25% will be Affordable Housing Units as more specifically defined in the DDA and the Affordable Housing Implementation Plan attached to the DDA;
- b. A minimum of 300,000 square feet and up to 360,000 square feet retail, commercial, and hotel and other commercial space, which may include the adaptive reuse of some of the existing structures on the Property;
- c. New and/or upgraded public utilities, including water distribution system, wastewater collection system, recycled water storage and distribution system, storm water collection and Stormwater Management Control System and other improvements as more particularly described in the Infrastructure Package attached

as Exhibit C;

- d. Up to approximately 10 acres of parks and open space;
- e. New and/or upgraded streets and public ways as more particularly described in the Infrastructure Package;
- f. Bicycle, transit, and pedestrian facilities as more particularly described in the Infrastructure Package;
- g. Such additional improvements and contributions set forth in the Infrastructure Package and required under the DDA, including obligations related to the Major Alameda Point Amenities; and
- h. A freeze on all local development regulations set forth in Alameda Municipal Code, Chapter XXX [Development Regulations] that are in effect as of the First Amendment Effective Date, attached hereto as Exhibit G.

2. The first paragraph of Section 1.1 (Applicable Law) of the Development Agreement is hereby deleted in its entirety and the following is substituted in lieu thereof:

“**Section 1.1 Applicable Law.** The City shall process, consider and review all Subsequent Approvals in accordance with the rules, regulations, official policies, standards and specifications in effect on the First Amendment Effective Date of this Development Agreement. This shall include (a) the City’s General Plan, Planning and Zoning Code (the Development Regulations in Chapter XXX of the Alameda Municipal Code, attached hereto as Exhibit G), Subdivision Code, and all other applicable City land use planning and zoning policies, rules and regulations that set forth standards for development, but that are not Uniform Codes as defined in Section 1.4, below, (b) the Planning Documents, Basic Approvals, and Initial Approvals, (c) any permitted Future Changes to the Applicable Law, as defined below, and (d) this Development Agreement (collectively referred to as “**Applicable Law**”). Notwithstanding the above, this Agreement shall not be construed to prevent the City from applying new rules, regulations and policies in those circumstances specified in Government Code Section 65866.

3. Section 11.14(b) (Notices and Communications) of the Development Agreement is hereby deleted in its entirety and the following is substituted in lieu thereof:

“(b) Addresses. The address of each party for the purpose of all notices permitted or required by this Development Agreement is as follows:

If to City: City of Alameda
Alameda City Hall, Rm 320
2263 Santa Clara Avenue
Alameda, CA 94501
Attn: City Manager

With a copy to: City of Alameda
Alameda City Hall, Rm 280

2263 Santa Clara Avenue
Alameda, CA 94501
Attn: City Attorney

If to Developer: Alameda Point Partners, LLC
c/o Trammell Crow Residential
Stephanie Hill
Vice President, Development
1528 S. El Camino Real, Suite 100
San Mateo, CA 94402
E-mail: shill@tcr.com
Phone: 415.569.3722

Alameda Point Partners, LLC
c/o Cypress Equity Investments
Bruce Fairty
Chief Operating Officer
12121 Wilshire Blvd., Suite 801
Los Angeles, CA 90025
E-mail: bruce@cypressequity.com
Phone: (310) 405-0316"

3. The Development Agreement is hereby amended to add as Exhibit G, the Development Regulations codified in Alameda Municipal Code Chapter XXX attached hereto as Exhibit 1.

4. Exhibit B to the Development Agreement (Development Plan) is hereby deleted in its entirety and the document at Exhibit 2 hereto is substituted in lieu thereof.

5. Exhibit C to the Development Agreement (Infrastructure Package) is hereby deleted in its entirety and the document at Exhibit 3 hereto is substituted in lieu thereof.

6. Exhibit D to the Development Agreement (CEQA Checklist) is hereby deleted in its entirety and the document at Exhibit 4 hereto is substituted in lieu thereof.

7. Exhibit F to the Development Agreement (Phasing Plan) is hereby deleted in its entirety and the document at Exhibit 5 hereto is substituted in lieu thereof.

8. Miscellaneous.

a. Incorporation. This First Amendment constitutes a part of the Development Agreement and any reference to the Development Agreement shall be deemed to include a reference to the Development Agreement as amended by this First Amendment.

b. Ratification. To the extent of any inconsistency between this First Amendment and the Development Agreement (including, without limitation, any attachments or exhibits thereto), the provisions contained in this First Amendment shall control. As amended by

this First Amendment, all terms, covenants, conditions and provisions of the Development Agreement shall remain in full force and effect.

c. Definitions. All capitalized terms used but not defined herein shall have the meanings assigned thereto in the Development Agreement.

d. Successors and Assigns. This First Amendment shall be binding upon and inure to the benefit of the successors and assigns of the City and the Developer, subject to the limitations set forth in the Development Agreement.

e. Counterparts. This First Amendment may be executed in any number of counterparts (including by fax, PDF or other electronic means), each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

f. Governing Law; Venue. This First Amendment shall be governed by and construed in accordance with the laws of the State of California. The parties agree that all actions or proceedings arising directly or indirectly under this First Amendment shall be litigated in courts within the County of Alameda, State of California.

g. Integration. This First Amendment (together with the referenced or incorporated agreements) contains the entire agreement between the parties with respect to the subject matter of this First Amendment. Any prior correspondence, memoranda, agreements, warranties or representations relating to such subject matter are superseded in total by this First Amendment. No prior drafts of this First Amendment or changes from those drafts to the executed version of this First Amendment shall be introduced as evidence in any litigation or other dispute resolution proceeding by either part or any other person, and no court or other body shall consider those drafts in interpreting this First Amendment.

h. Further Assurances. The City's Interim City Manager and Developer shall execute and deliver all documents, amendments, agreements and instruments reasonably necessary or reasonably required in furtherance of this First Amendment.

i. Effective Date. This First Amendment shall take effect on the First Amendment Effective Date.

j. Entire Agreement. This First Amendment sets forth the Parties' entire understanding regarding this matter and may only be modified by another written agreement.

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In WITNESS WHEREOF, the City and Developer have each caused this First Amendment to be duly executed on its behalf as of the First Amendment Effective Date.

CITY:

CITY OF ALAMEDA,
a municipal corporation

By: _____
Nancy Bronstein
Interim City Manager

Attest:

Lara Weisiger
City Clerk

Recommended for Approval:

Lisa N. Maxwell
Community Development Director

Approved as to Form:

Len Aslanian or Celena Chen
Assistant City Attorney

Authorized by City Council Ordinance No. _____

[Signatures continue on next page]

DEVELOPER:

ALAMEDA POINT PARTNERS, LLC,
a Delaware limited liability company

By: Alameda Point Investments, LLC,
a California limited liability company,
its managing member

By: NCCH 100 Alameda, L.P.,
a Delaware limited partnership,
its managing member

By: Maple Multi-Family Development, L.L.C.,
a Texas limited liability company,
its general partner

By: _____

Name: _____

Title: _____

Authorized by City Council Ordinance No. _____

Exhibits:

- 1** Exhibit G to the Development Agreement (Alameda Municipal Code Chapter XXX Development Regulations)
- 2** Exhibit B to the Development Agreement (Development Plan)
- 3** Exhibit C to the Development Agreement (Infrastructure Package)
- 4** Exhibit D to the Development Agreement (CEQA Checklist)
- 5** Exhibit F to the Development Agreement (Phasing Plan)

EXHIBIT 1

Exhibit G to the Development Agreement
Alameda Municipal Code Chapter XXX Development Regulations

CHAPTER XXX - DEVELOPMENT REGULATIONS

ARTICLE I. - ZONING DISTRICTS AND REGULATIONS

30-1 - ZONING PLAN.

30-1.1 - Adoption of Zoning Plan.

There is hereby adopted a Zoning Plan which is the zoning law of the City of Alameda, State of California.

(Ord. No. 535 N.S. § 11-111; Ord. No. 1277 N.S.)

30-1.2 - Purpose of Adoption of Zoning Plan.

The Zoning Plan is adopted to provide for the promotion and protection of the public health, safety, peace, morals, comfort, convenience, and general welfare, and:

- a. To assist in providing a definite plan of development for the City, and to guide, control and regulate the future growth of the City in accordance with the General Plan and the objectives set forth therein.
- b. To protect and elevate the character and the social and economic stability of residential, commercial, industrial, recreational, and other areas within the City, and to assure the orderly and beneficial development of such areas.

(Ord. No. 535 N.S. § 11-112; Ord. No. 1277 N.S.)

30-1.3 - Effect of Zoning Plan.

- a. The Zoning Plan consists of the establishment of various districts within the City within some, all, or none of which it shall be unlawful to erect, construct, alter, move, locate or maintain certain buildings or to carry on certain trades or occupations or to conduct certain uses of land or of buildings; within which the height and bulk of future buildings shall be limited; within which certain open spaces shall be required about future buildings and consisting further of appropriate regulations to be enforced in such districts, all as set forth in this chapter.
- b. The Zoning Plan shall apply to private, public, quasi-public, institutional, and public utility properties and all other lands and structures within the incorporated area of the City.

(Ord. No. 535 N.S. § 11-113; Ord. No. 1277 N.S.)

30-2 - DEFINITIONS.

- 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:

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 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.

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.)

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

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.

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.

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.

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.

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.

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.

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.

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.

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 Casher 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 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.

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.

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).

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.

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.

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.

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

Emergency shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Family shall 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 community care 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.

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.

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.

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.

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

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.

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 mean the latest revised general plan adopted for the City of Alameda.

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.

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.

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 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.

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.

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.

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.

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 emp
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.

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.

Houseboat 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 are also subject to the requirements of Article XIV of Chapter XIII of the Alameda Municipal Code.)

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.

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.

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.

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.)

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 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.

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.

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.

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).

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.

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.

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.

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.

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.

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, clairsaudience, crystal-gazing, mediumship, prophesy, augury, divination, mind reading or necromancy.

Residential care facility shall mean a community care facility which provides care on a twenty-four (24) hour basis.

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.

Senior housing shall mean a residential unit reserved for households 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.

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.

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

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

Shared living means a residential building, or portion thereof, other than a hotel that provides private living quarters without private, independent kitchen facilities. A shared common kitchen and common activity area may be provided. Shared living also include 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.

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 of 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.

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.

Supportive housing 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.

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.

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.

Transitional housing and *transitional housing development* mean rental housing 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.

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, neighbor hood, or district, such as wastewater pump stations, hydrants, switching boxes, transformers, and other facilities and structures typically located in the public right-of-way.

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.

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.

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.

(Ord. No. 535 N.S. §§ 11-121—11-1247; Ord. No. 1277 N.S.; Ord. No. 1295 N.S.; Ord. No. 1310 N.S.; Ord. No. 1578 N.S.; Ord. No. 1729 N.S.; Ord. No. 1749 N.S.; Ord. No. 1792 N.S.; Ord. No. 1999 N.S.; Ord. No. 2064 N.S.; Ord. No. 2201 N.S.; Ord. No. 2241 N.S.; Ord. No. 2267 N.S.; Ord. No. 2363 N.S.; Ord. No. 2375 N.S.; Ord. No. 2407 N.S. §§ 1—5, 10; Ord. No. 2428 N.S. § 1; Ord. No. 2487 N.S., § 4; Ord. No. 2511 N.S., § 2; Ord. No. 2700 N.S. § 1; Ord. No. 2722 N.S. § 11; Ord. No. 2727 N.S. § 1; Ord. No. 2784 N.S. § 1; Ord. No. 2850 N.S. § 2; Ord. No. 2920 N.S. § 1; Ord. No. 2937 N.S. § 1; Ord. No. 2938 N.S. § 1; Ord. No. 2943 N.S. §§ 1, 2; Ord. No. 2944 N.S. § 1; Ord. No. 2979 N.S. § 1; Ord. No. 2984 N.S. § 1)

(Ord. No. 3054 N.S., § 1, 7-17-2012; Ord. No. 3072 N.S., § 1, 5-7-2013; Ord. No. 3077 N.S., § 1, 7-23-2013; Ord. No. 3111 N.S., § 1, 10-7-2014; Ord. No. 3168 N.S., § 1, 11-15-2016; Ord. No. 3183 N.S., § 1, 7-5-2017; Ord. No. 3184 N.S., § 1, 7-5-2017; Ord. No. 3248 N.S., § 2, 9-3-2019; Ord. No. 3255 N.S., § 2, 11-19-2019; Ord. No. 3309 N.S., § 2, 11-16-2021)

30-3 - ZONING DISTRICTS.

30-3.1 - Designation of Districts.

The several classes of general districts hereby provided, and into which the City may be divided, are designated as follows:

Map Symbol	District Designation
R-1	One-Family Residence District
R-2	Two-Family Residence District
R-3	Garden Residential District
R-4	Neighborhood Residential District
R-5	General Residential District
R-6	Hotel-Residential District
A-P	Administrative-Professional District
C-1	Neighborhood Business District
C-2	Central Business District
C-C	Community Commercial District

C-M	Commercial-Manufacturing District
M-1	Intermediate Industrial (Manufacturing) District
M-2	General Industrial (Manufacturing) District
M-X	Mixed Use Planned Development District
O	Open Space District
E	Estuary District
NP-G	North Park Street Gateway
NP-W	North Park Street Workplace
NP-MU	North Park Street Mixed Use
NP-MM	North Park Street Maritime Manufacturing
NP-R	North Park Street Residential
AP-WTC	Alameda Point Waterfront Town Center
AP-MS	Alameda Point Main Street Neighborhood
AP-E1	Alameda Point Enterprise District — 1
AP-E2	Alameda Point Enterprise District — 2
AP-E3	Alameda Point Enterprise District — 3
AP-E4	Alameda Point Enterprise District — 4
AP-AR	Alameda Point Adaptive Reuse
AP-OS	Alameda Point Open Space
AP-NR/G	Alameda Point Nature Reserve/Government

(Ord. No. 3072 N.S., § 2, 5-7-2013; Ord. No. 3088 N.S., 2-18-2014; Ord. No. 3168 N.S., § 2, 11-15-2016)

30-3.2 - Combining Districts.

In addition to the foregoing classes of districts, certain combining districts may be established and are designated as follows:

Map Symbol	District Designation
PD	Special Planned Development District
A	Special Agricultural District
B	Special Building Site District
H	Special Height Limit District
G	Special Government District
Y	Special Yard District
T	Theatre Overlying Combining
MF	Multi-family District

(Ord. No. 535 N.S., § 11-115; Ord. No. 1277 N.S.; Ord. No. 2937 N.S. § 2)

(Ord. No. 3054 N.S., § 2, 7-17-2012)

30-3.3 - Establishment of Districts.

- a. The boundaries of districts shall be shown upon the zoning maps of the City. The maps, and all amendments, changes, and extensions thereof, and all legends, symbols, notations, references, and other matter shown thereon shall be parts of this article and shall constitute the various subsections of paragraph b. hereof.
- b. The zoning map(s) of the City of Alameda shall be that certain map(s) entitled "Zoning Map of the City of Alameda" dated April 8, 1958, and marked "Filed in the office of the City Clerk June 10, 1958."
- c. The boundaries of such districts as are shown upon the zoning map(s), or amendments thereto, are hereby adopted and the specific regulations applicable therein, as set forth herein are hereby established and declared to be in effect upon all lands included within the boundaries of each and every district as shown upon the zoning map(s).
- d. No land shall be used, and no building or structure shall be erected, constructed, enlarged, altered, moved, occupied or used in any district, as shown upon the zoning map(s) except in accordance with the regulations established by this article.
- e. All lands now or hereafter included within the incorporated territory of the City which are not included within any

district on the zoning map(s) shall constitute R-1 Districts.

(Ord. No. 535 N.S. § 11-116; Ord. No. 1277 N.S.)

30-4 - DISTRICT USES AND REGULATIONS.

30-4.1 - R-1, One-Family and Two-Family Residence District.

- a. *General.* The following specific regulations, and the general rules set forth in Section 30-5, shall apply in all R-1 Districts as delineated and described in the zoning maps. It is intended that this district classification be applied in areas subdivided and used or designed to be used for one-family and two-family residential development, and that the regulations established will promote and protect a proper residential character in such districts.
- b. *Uses Permitted.*
 1. One-family dwellings, including private garages, accessory buildings and uses; reconstruction of destroyed two-family dwellings, provided that all zoning requirements other than density shall be met and that any requirement that would reduce the number or size of the units shall not apply; private, noncommercial swimming pools, boat landings, docks, piers and similar structures; and home occupations in compliance with the standards as set forth in Section 30-2 of this Code to the satisfaction of the Planning and Building Director. Upon the approval of the Planning and Building Director, a Registration of Home Occupation form shall be completed and filed with the Planning and Building Department. Any property owner aggrieved by the approval or non-approval of the Planning and Building Director shall have the right to appeal such action to the City Planning Board in the manner and within the time limits set forth in Section 30-25 of this Code. Nothing contained herein shall be deemed to deny the right of appeal under Section 30-25 following the determination of the City Planning Board.
 2. Two-family dwellings or two one-family dwellings on the same lot, provided that:
 - (a) Any new unit added to a property with an existing single family home or any new unit added to a lot created pursuant to the provision of lot splits, subsection d.2 below, shall not exceed one thousand (1,000) square feet in size.
 - (b) The proposed housing development shall not require or result in the demolition or alteration of an existing dwelling unit that: (1) is subject to a recorded covenant, deed restriction, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes; (2) is subject to any form of rent or price control through a public entity's valid exercise of its police power; or (3) has been occupied by a tenant within the last three (3) years.
 - (c) The proposed housing development will not require the demolition of a structure located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site designated as a City Historic Monument, historic property, or historic district pursuant to a City ordinance. Notwithstanding the above, any demolition that is subject to the demolition controls of AMC Section 13-21 shall require approval of a certificate of approval prior to issuance of a demolition permit.
 - (d) The subject property is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code ("Ellis Act") to withdraw accommodations from rent or lease within the last 15 years before the date of application for the proposed housing development.
 - (e) The development is not within a special flood hazard area subject to inundation by the one-percent annual

chance flood (one hundred (100) year flood), as determined by the Federal Emergency Management Agency.

- (f) Prior to ministerial approval for a two-family dwelling or two one-family dwellings on the same lot, the applicant shall record a deed restriction on the property specifying that: (i) the units on the lot may not be rented for a term of thirty (30) days or less; and (ii) notwithstanding AMC Section 30-5.18, no more than a total of four (4) dwelling units are permitted on the property, inclusive of accessory dwelling units and junior accessory dwelling units.
3. Agriculture, horticulture, home gardening, excluding retail sales of nursery products or the raising of rabbits, dogs, fowl or other animals for commercial purposes.
4. Underground and above-ground utility installations for local service, except that substations, generating plants, gas holders, and transmission lines must be approved by the Planning Board prior to construction.
5. Public parks, schools, playgrounds, libraries, fire stations and other public buildings and uses included in the General Plan.
6. Signs: As provided in Section 30-6 of these regulations.
7. Multiple houses.
8. Family day care homes, large and family day care homes, as licensed by the State of California.
9. Residential care facilities providing care for no more than six (6) persons.
10. Accessory dwelling units and junior accessory dwelling units.
11. Supportive housing and transitional housing.
- c. *Uses Requiring Use Permits.* It is the intent in 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, and similar considerations:
 1. Public parks, schools, playgrounds, libraries, fire stations and other public buildings and uses not included in the General Plan.
 2. Private and religious schools, day care centers and churches.
 3. Community care facilities not listed under uses permitted.
 4. Temporary tract sales offices, advertising signs, construction offices, equipment storage yards or structures therefore, which are incidental to the development during the construction and/or sales period.
 5. Automobile parking lots and ancillary facilities for ferry terminals serving the general public, provided that:
 - (a) Parking lots and ancillary facilities adjoin a commercial planned development zoned area or an industrially zoned area in which terminals are permitted;
 - (b) There is an entrance to the automobile parking lots and ancillary facilities for ferry terminals adjacent to nonresidential areas; and
 - (c) Any additional parking lot entrances adjacent to residentially zoned areas shall be allowed only if conditions are imposed to minimize the nonlocal automobile traffic to the terminal through the residential areas.
- d. *Minimum Height, Bulk and Space Requirements.*
 1. Minimum Lot Area: Five thousand (5,000) square feet. Lot area may be reduced through a lot split subject to Subsection d.2.
 2. Lot Splits: Pursuant to Government Code Section 66411.7, the division of an existing lot into two (2) lots is permitted in an R-1 Zoning District, provided that all of the following requirements are met:
 - (a) The area of each lot is at least one thousand two hundred (1,200) square feet and at least forty (40%) percent

of the area of the original lot prior to the lot split.

- (b) Each lot provides frontage on a public street or a pedestrian or vehicular access easement to a public street.
 - (c) The land division will not require or result in the demolition or alteration of an existing dwelling unit that: (i) is subject to a recorded covenant, deed restriction, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes; (ii) is subject to any form of rent or price control through a public entity's valid exercise of its police power; or (iii) has been occupied by a tenant within the last three (3) years;
 - (d) The land division will not require or result in the demolition of an existing dwelling located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site designated as a City Historic Monument, historic property, or historic district pursuant to a City ordinance. Notwithstanding the above, any demolition that is subject to the demolition controls of AMC Section 13-21 shall require approval of a Certificate of Approval prior to issuance of a demolition permit.
 - (e) The existing lot has not been subject to the exercising of the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code ("Ellis Act") to withdraw accommodations from rent or lease within 15 years before the date of application for the land division.
 - (f) The existing lot is not within a special flood hazard area subject to inundation by the one-percent annual chance flood (one hundred (100) year flood) as determined by the Federal Emergency Management Agency.
 - (g) The existing lot has not previously been divided through exercise of this regulation and neither the owner of the existing lot nor any person acting in concert with the owner previously subdivided an adjacent parcel using an urban lot split through exercise of this regulation.
 - (h) Notwithstanding Section 30-5.18, an urban lot split shall not permit more than a total of four (4) dwelling units on the two (2) newly created lots, inclusive of accessory dwelling units and junior accessory dwelling units.
 - (i) Prior to approval of an urban lot split, the applicant shall record a deed restriction identifying that: (i) the units on the parcel or parcels may not be rented for a term of thirty (30) days or less; (ii) the uses allowed on a lot created by this section shall be limited to residential uses; (iii) the lots resulting from the land division may not be further subdivided using the provisions of this subsection, and (iv) appropriate restrictions to effectuate subsection (h) above.
 - (j) The applicant has provided a signed affidavit on a form provided by the City Attorney stating that the applicant intends to occupy a dwelling unit on one of the resulting lots as their principal residence for a minimum of three (3) years from the date of the approval of the land division. This requirement shall not apply to an applicant that is a "community land trust" or a "qualified nonprofit corporation" as defined the Revenue and Taxation Code.
3. Minimum Lot Width: Fifty (50') feet. Lot width may be reduced if the project meets the requirements of subsection d.2, lot splits.
 4. Maximum Main Building Coverage: Forty (40%) percent of lot area; provided, however, that where the garage is attached to the main building the permitted lot coverage may be increased to forty-eight (48%) percent.
 5. Maximum Building Height Limit: Not to exceed thirty (30') feet.
 6. Minimum Front Yard: Twenty (20') feet.
 7. Minimum Interior Side Yard: Five (5') feet for one-family dwellings.
 8. Minimum Street Side Yard. The side yard on the street side of a corner lot shall not be less than ten (10') feet.

9. Minimum Rear Yard: Twenty (20') feet. Not more than forty (40%) percent of the rear yard, as defined in Section 30-2 may be occupied by accessory buildings or structures (swimming pools excepted).
10. Yards for Corner Lot Adjacent to Key Lot: The side-yard setback on the street side of the corner lot, within twenty (20') feet of the side property line of the key lot, shall be equal to the front-yard of the key lot, as defined in Section 30-2, "yard, front," and no structure, excluding barriers, may be permitted within five (5') feet of the rear property line on the corner lot.
11. Off-Street Parking Space: As regulated in Section 30-7 of this Code.
12. Government Code Sections 65852.21 and 66411.7 Exemptions.
 - (a) If a proposed housing development is being provided pursuant to Government Section 65852.21 or 66411.7 entirely within the footprint of an existing building or constructed in the same location and to the same dimensions as an existing building, no additional interior side or rear setback is required.
 - (b) No objective zoning standards, objective subdivision standards, or objective design standards, including but not limited to minimum lot width, maximum building coverage, minimum setback or other bulk and space requirement, shall apply if that standard would physically preclude a land division resulting in two (2) lots consistent with the requirements of Subsection d.2, Lot Splits, or the development of a two-family dwelling, or two one-family dwellings on the same lot with at least at least a four (4') foot interior side setback and four (4') foot rear yard setback.

(Ord. No. 535 N.S. §§ 11-131—11-134; Ord. No. 1277 N.S.; Ord. No. 1372; Ord. No. 533 N.S.; Ord. No. 1757 N.S.; Ord. No. 1999 N.S.; Ord. No. 2145 N.S.; Ord. No. 2289 N.S.; Ord. No. 2363 N.S.; Ord. No. 2428 N.S. § 2; Ord. No. 2511 N.S. § 1; Ord. No. 2560 N.S. § 2; Ord. No. 2920 N.S. § 3; Ord. No. 2943 N.S. § 3)

(Ord. No. 2990 N.S. § 1, 3-17-2009; Ord. No. 3054 N.S., § 3, 7-17-2012; Ord. No. 3184 N.S., § 2, 7-5-2017; Ord. No. 3278 N.S., § 3, 5-5-2020; Ord. No. 3314, § 2, 3-15-2022)

30-4.2 - R-2, Two-Family Residence District.

- a. *General.* The following specific regulations and the general rules set forth in Section 30-5 shall apply in all R-2 Districts, as delineated and described in the zoning maps. It is intended that this district classification be applied where two-family dwellings are or are intended to be the dominant use, as developed from density standards of the General Plan.
- b. *Uses Permitted.*
 1. Any number of one-family dwellings, two-family dwellings, and combinations thereof, when separated by a distance not less than twenty (20') feet; and uses permitted in R-1 Districts.
 2. Agriculture, horticulture, home gardening, excluding retail sales of nursery products, or the raising of rabbits, dog, fowl or other animals for commercial purposes.
 3. Underground and above ground utility installations for local service, except that substations, generating plants, gas holders and transmission lines must be approved by the Planning Board prior to construction.
 4. Public parks, schools, playgrounds, libraries, fire stations and other public buildings and uses included in the General Plan.
 5. Signs: As regulated in Section 30-6 of these regulations.
 6. Multiple houses.
 7. Family day care homes, large and family day care homes, small, as licensed by the State of California.
 8. Residential care facilities providing care for no more than six (6) persons.

9. Accessory dwelling units and junior accessory dwelling units.
- c. *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, and similar considerations:
 1. Public parks, schools, playgrounds, libraries, fire stations and other public buildings and uses not included in the General Plan.
 2. Private and religious schools, day care centers and churches.
 3. Community care facilities not listed under uses permitted.
 4. Temporary tract sales offices, advertising signs, construction offices, equipment storage yards or structures therefor, which are incidental to the development during the construction and/or sales period.
 5. Bed and breakfast facilities, upon compliance with standards set forth in the definition for bed and breakfast in Section 30-2.
 6. Automobile parking lots and ancillary facilities for ferry terminals serving the general public, provided that:
 - (a) Parking lots and ancillary facilities adjoin a commercial planned development zoned area or an industrially zoned area in which terminals are permitted;
 - (b) There is an entrance to the automobile parking lots and ancillary facilities for ferry terminals adjacent to nonresidential areas; and
 - (c) Any additional parking lot entrances adjacent to residentially zoned areas shall be allowed only if conditions are imposed to minimize the nonlocal automobile traffic to the terminal through the residential areas.
- d. *Minimum Height, Bulk and Space Requirements.*
 1. Lot Area: Not less than five thousand (5,000) square feet in all lots recorded on and after the effective date of this article, August 1, 1958. However, regardless of date of recordation, there shall be not less than two thousand (2,000) square feet of lot area for each dwelling unit, except in the case of multiple house where there shall be not less than two thousand five hundred (2,500) square feet of lot area for each dwelling unit.
 2. Lot Width: Not less than fifty (50') feet on all lots recorded on and after the effective date of this article, August 1, 1958.
 3. Maximum Main Building Coverage: Forty-five (45%) percent of lot area; provided, however, when the accessory garage structure is attached to the main building, the permitted lot coverage may be increased to fifty-three (53%) percent.
 4. Building Height Limit: Not to exceed thirty (30') feet.
 5. Front Yard: Twenty (20') feet. In any full block frontage of lots in a new residential development the Planning Board may approve front yards which vary from fifteen (15') to thirty (30') feet, provided that the average of all front yards in the block shall not be less than twenty (20') feet.
 6. Side Yard: Side yards shall total not less than twenty (20%) percent of the lot width as measured at the front yard (as defined in Section 30-2—Definitions), and no side yard may either be less than five (5') feet or be required to be more than ten (10') feet. The side yard on the street side of a corner lot shall not be less than ten (10') feet.
 7. Rear Yard: Twenty (20') feet. Not more than forty (40%) percent of the rear yard, as defined in Section 30-2, may be occupied by accessory buildings or structures (swimming pools excepted).
 8. Yards for Corner Lot Adjacent to Key Lot: The side-yard setback on the street side of the corner lot, within twenty (20') feet of the side property line of the key lot, shall be equal to the front-yard of the key lot, as defined in Section 30-2, "Yard, front," and no structure, excluding barriers, may be permitted within five (5') feet of the rear

property line on the corner lot.

9. Usable Open Space Requirements: Usable open space is comprised of private open space and common open space as defined in subsection 30-5.12. The following are the minimum open space requirements: a minimum six hundred (600) square feet of usable open space per dwelling unit with a minimum of one hundred twenty (120) square feet of private open space per ground level dwelling unit; with a minimum of sixty (60) square feet of private open space per non-ground level dwelling unit; with a minimum of one hundred fifty (150) square feet of common open space per dwelling unit. There shall be not less than three hundred (300) square feet of common open space per lot.

10. Off-Street Parking Space: As regulated in Section 30-7.

(Ord. No. 535 N.S. §§ 11-135—11-138; Ord. No. 1277 N.S.; Ord. No. 1372 N.S.; Ord. No. 1476 N.S.; Ord. No. 1533; Ord. No. 1757 N.S.; Ord. No. 1999 N.S.; Ord. No. 2267 N.S.; Ord. No. 2289 N.S.; Ord. No. 2363 N.S.; Ord. No. 2428 N.S. § 2; Ord. No. 2480 N.S. § 3; Ord. No. 2560 N.S. § 3; Ord. No. 2920 N.S. § 4; Ord. No. 2933 N.S. § 1; Ord. No. 2943 N.S. § 4)

(Ord. No. 3184 N.S., § 3, 7-5-2017; Ord. No. 3278 N.S., § 3, 5-5-2020)

30-4.3 - R-3, Garden Residential District.

- a. *General.* The following specific regulations and the general rules set forth in Section 30-5 shall apply in all R-3 Districts, as delineated and described in the zoning map(s). It is intended that this district classification be applied in areas where one-family and two-family, and groups of such structures, may be located to preserve low density standards.
- b. *Uses Permitted.*
 1. Uses permitted in R-1 and R-2 Districts.
 2. Signs: Those pertaining directly to a permitted multiple family or nonresidential use on the property, and as further regulated in Section 30-6 of these regulations.
 3. Multiple houses.
 4. Family day care homes, large and family day care homes, small, as licensed by the State of California.
 5. Residential care facilities providing care for no more than six (6) persons.
 6. Bed and breakfast facilities, upon compliance with standards set forth in the definition for bed and breakfast in Section 30-2.
 7. Accessory dwelling units and junior accessory dwelling units.
- c. *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, and similar considerations:
 1. Temporary tract sales offices, advertising signs, construction offices, equipment storage yards or structures therefor, which are incidental to the development during the construction and/or sales period.
 2. Private and religious schools, day care centers and churches.
 3. Community care facilities not listed under uses permitted.
 4. Automobile parking lots and ancillary facilities for ferry terminals serving the general public, provided that:
 - (a) Parking lots and ancillary facilities adjoin a commercial planned development zoned area or an industrially zoned area in which terminals are permitted;
 - (b) There is an entrance to the automobile parking lots and ancillary facilities for ferry terminals adjacent to

nonresidential areas; and

- (c) Any additional parking lot entrances adjacent to residentially zoned areas shall be allowed only if conditions are imposed to minimize the non-local automobile traffic to the terminal through the residential areas.

d. *Minimum Height, Bulk and Space Requirements.*

1. Lot Area: Not less than five thousand (5,000) square feet in all lots recorded on and after the effective date of this article, August 1, 1958. However, regardless of date of recordation, there shall be not less than two thousand (2,000) square feet of lot area for each dwelling unit.
2. Lot Width: Not less than fifty (50') feet on all lots recorded on and after the effective date of this article August 1, 1958.
3. Maximum Main Building Coverage: Forty (40%) percent of lot area.
4. Building Height Limit: Not to exceed thirty-five (35') feet.
5. Front Yard: Twenty (20') feet.
6. Side Yard: Side yards shall total not less than twenty (20%) percent of the lot width as measured at the front yard (as defined in Section 30-2—Definitions), and no side yard may either be less than five (5') feet or be required to be more than ten (10') feet. The side yard on the street side of a corner lot shall not be less than ten (10') feet.
7. Rear Yard: Twenty (20') feet. Not more than forty (40%) percent of the rear yard, as defined in Section 30-2 may be occupied by accessory buildings or structures (swimming pools excepted).
8. Distances Between Main Buildings on Same Lot: Twenty (20') feet.
9. Yards for Corner Lot Adjacent to Key Lot: The side-yard setback on the street side of the corner lot, within twenty (20') feet of the side property line of the key lot, shall be equal to the front-yard of the key lot, as defined in Section 30-2, "Yard, front", and no structure, excluding barriers, may be permitted within five (5') feet of the rear property line on the corner lot.
10. Usable Open Space Requirements: Usable open space is comprised of private open space and common open space as defined in subsection 30-5.12. The following are the minimum open space requirements: a minimum five hundred (500) square feet of usable open space per dwelling unit with a minimum of one hundred twenty (120) square feet of private open space per ground level dwelling unit; with a minimum of sixty (60) square feet of private open space per non-ground level dwelling unit; with a minimum of one hundred twenty (120) square feet of common open space per dwelling unit. There shall be not less than three hundred (300) square feet of common open space per lot.
11. Off-Street Parking Space: As regulated in Section 30-7.

(Ord. No. 535 N.S. §§ 11-139—11-1312; Ord. No. 1277 N.S.; Ord. No. 1476 N.S.; Ord. No. 1757 N.S.; Ord. No. 1999 N.S.; Ord. No. 2267 N.S.; Ord. No. 2289 N.S.; Ord. No. 2363 N.S.; Ord. No. 2428 N.S. §§ 4, 5; Ord. No. 2480 N.S. § 3; Ord. No. 2511 N.S. § 1; Ord. No. 2560 N.S. § 4; Ord. No. 2920 N.S. § 5; Ord. No. 2933 N.S. § 2; Ord. No. 2943 N.S. § 5)

(Ord. No. 3184 N.S., § 4, 7-5-2017; Ord. No. 3278 N.S., § 3, 5-5-2020)

30-4.4 - R-4, Neighborhood Residential District.

- a. *General.* The following specific regulations and the general rules set forth in Section 30-5 shall apply in all R-4 Districts as delineated and described in the zoning map(s). It is intended that this district classification be applied in areas where one-family and two-family homes, groups of one and two-family homes, and certain non-profit organization administration offices, if found compatible, may be located to promote low density, primarily residential standards.

b. *Uses Permitted.*

1. Uses as permitted in R-1, R-2 and R-3 Districts.
2. Signs: As regulated in Section 30-6 of these regulations.

c. *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, and similar considerations:

1. Uses not otherwise permitted in paragraph b. and as required in R-3 Districts.
2. Storage garage buildings when constructed on a vacant lot, and for the primary use of occupants of adjacent buildings.
3. Temporary tract sales offices, advertising signs, construction offices, equipment storage yards or structures therefor which are incidental to the development during the construction and/or sales period.
4. Administrative offices of nonprofit community social service organizations.
5. Bed and breakfast facilities, upon compliance with standards set forth in the definition for bed and breakfast in Section 30-2.
6. Automobile parking lots and ancillary facilities for ferry terminals serving the general public, provided that:
 - (a) Parking lots and ancillary facilities adjoin a commercial planned development zoned area or an industrially zoned area in which terminals are permitted;
 - (b) There is an entrance to the automobile parking lots and ancillary facilities for ferry terminals adjacent to nonresidential areas; and
 - (c) Any additional parking lot entrances adjacent to residentially zoned areas shall be allowed only if conditions are imposed to minimize the non-local automobile traffic to the terminal through the residential areas.

d. *Minimum Height, Bulk and Space Requirements.*

1. Lot Area: Not less than five thousand (5,000) square feet in all lots recorded on and after the effective date of this article, August 1, 1958. However, regardless of date of recordation, there shall be not less than two thousand (2,000) square feet of lot area for each dwelling unit.
2. Lot Width: Not less than fifty (50') feet on all lots recorded on and after the effective date of this article, August 1, 1958.
3. Maximum Main Building Coverage: Fifty (50%) percent of lot area.
4. Building Height Limit: Not to exceed thirty-five (35') feet.
5. Front Yard: Twenty (20') feet.
6. Side Yard: Side yards shall total not less than twenty (20%) percent of the lot width as measured at the front yard (as defined in Section 30-2—Definitions), and no side yard may either be less than five (5') feet or be required to be more than ten (10') feet. The side yard on the street side of a corner lot shall not be less than ten (10') feet.
7. Rear Yard. Twenty (20') feet. Not more than forty (40%) percent of the rear yard, as defined in Section 30-2, may be occupied by accessory buildings or structures (swimming pools excepted).
8. Distances Between Main Buildings on Same Lot: Twenty (20') feet.
9. Yards for Corner Lot Adjacent to Key Lot: The side-yard setback on the street side of the corner lot, within twenty (20') feet of the side property line of the key lot, shall be equal to the front-yard of the key lot, as defined in Section 30-2, "Yard, front," and no structure, excluding barriers, may be permitted within five (5') feet of the rear property line on the corner lot.

10. Usable Open Space Requirements: Usable open space is comprised of private open space and common open space in subsection 30-5.12. The following are the minimum open space requirements: A minimum four hundred (400) sq usable open space per dwelling unit with a minimum of one hundred twenty (120) square feet of private open space per ground level dwelling unit; with a minimum of sixty (60) square feet of private open space per non-ground level dwelling unit with a minimum of ninety (90) square feet of common open space per dwelling unit. There shall be not less than three hundred (300) square feet of common open space per lot.

11. Off-Street Parking Space: As regulated in Section 30-7.

(Ord. No. 535 N.S. §§ 11-1313—11-1316; Ord. No. 1277 N.S.; Ord. No. 1372 N.S.; Ord. No. 1476 N.S.; Ord. No. 1533 N.S.; Ord. No. 1757 N.S.; Ord. No. 1844 N.S.; Ord. No. 2267 N.S.; Ord. No. 2289 N.S.; Ord. No. 2363 N.S.; Ord. No. 2428 N.S., § 6; Ord. No. 2480 N.S., § 4; Ord. No. 2511 § 1; Ord. No. 2560 N.S. § 5; Ord. No. 2566 N.S. § 1; Ord. No. 2933 N.S. § 3; Ord. No. 2943 N.S. § 6)

(Ord. No. 3184 N.S., § 5, 7-5-2017; Ord. No. 3278 N.S., § 3, 5-5-2020)

30-4.5 - R-5, General Residential District.

- a. *General.* The following specific regulations and the general rules set forth in Section 30-5 shall apply in all R-5 Districts, as delineated and described in the zoning map(s). It is intended that this district classification be applied in areas where one and two-family homes, public buildings, institutions and certain office uses, if found compatible, may be located to promote low density standards and promote a mix of uses.
- b. *Uses Permitted.*
 1. Uses permitted in R-1, R-2, R-3 and R-4 Districts.
 2. Shared living.
 3. Private storage garages, parking lots uncovered and screened by suitable walls or planting when operated by or in conjunction with a permitted use.
 4. Parks, playgrounds, public and private schools, churches and religious institutions, libraries, nurseries, day care centers and public buildings.
 5. Signs: As regulated in Section 30-6 of these regulations.
 6. Bed and breakfast facilities, upon compliance with standards set forth in the definition for bed and breakfast in Section 30-2.
- c. *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, and similar considerations:
 1. Hospitals, rest homes, sanitariums, mortuaries, and professional offices for doctors, dentists, architects, engineers, accountants, artists, authors, attorneys, real estate and insurance offices, medical and dental clinics, and other uses which are similar to the foregoing, and clubs, lodges and fraternities, except those open to the general public or operated as a business for profit, administrative office of nonprofit community social service organizations.
 2. Incidental and accessory buildings and uses on the same lot with, and necessary for, the operation of any permitted use.
 3. Advertising signs pertaining directly to a permitted nonresidential use or uses on a property, as regulated in Section 30-6 of these regulations.
 4. Temporary tract sales offices, advertising signs, construction offices, equipment storage yards or structures therefor, which are incidental to the development during the construction and/or sales period.

5. Automobile parking lots and ancillary facilities for ferry terminals serving the general public, provided that:
 - (a) Parking lots and ancillary facilities adjoin a commercial planned development zoned area or an industrially zoned area in which terminals are permitted;
 - (b) There is an entrance to the automobile parking lots and ancillary facilities for ferry terminals adjacent to nonresidential areas; and
 - (c) Any additional parking lot entrances adjacent to residentially zoned areas shall be allowed only if conditions are imposed to minimize the non-local automobile traffic to the terminal through the residential areas.

d. *Minimum Height, Bulk and Space Requirements.*

1. Lot Area: Not less than five thousand (5,000) square feet, in all lots recorded on and after the effective date of this article, August 1, 1958. However, regardless of date of recordation, there shall be not less than two thousand (2,000) square feet of lot area for each dwelling unit.
2. Lot Width: Not less than fifty (50') feet on all lots recorded on and after the effective date of this article, August 1, 1958.
3. Maximum Main Building Coverage: Fifty (50%) percent of lot area.
4. Building Height Limit: Not to exceed forty (40') feet.
5. Front Yard: Twenty (20') feet.
6. Side Yard. Side yards shall total not less than twenty (20%) percent of the lot width as measured at the front yard (as defined in Section 30-2—Definitions), and no side yard may either be less than five (5') feet or be required to be more than ten (10') feet. The side yard on the street side of a corner lot shall not be less than ten (10') feet.
7. Rear Yard: Twenty (20') feet. Not more than forty (40%) percent of the rear yard, as defined in Section 30-2, may be occupied by accessory buildings or structures (swimming pools excepted).
8. Distances between Main Buildings on Same Lot: Twenty (20') feet.
9. Yards for Comer Lot Adjacent to Key Lot: The side-yard setback on the street side of the corner lot, within twenty (20') feet of the side property line of the key lot, shall be equal to the front-yard of the key lot, as defined in Section 30-2, "Yard, front," and no structure, excluding barriers, may be permitted within five (5') feet of the rear property line on the corner lot.
10. Usable Open Space Requirements: Usable open space is comprised of private open space and common open space as defined in subsection 30-5.12. The following are the minimum open space requirements: a minimum two hundred (200) square feet of usable open space per dwelling unit with a minimum of one hundred twenty (120) square feet of private open space per ground level dwelling unit; with a minimum of sixty (60) square feet of private open space per non-ground level dwelling unit; with a minimum of sixty (60) square feet of common open space per dwelling unit. There shall be not less than three hundred (300) square feet of common open space per lot.

11. Off-Street Parking and Loading Space: As regulated in Section 30-7.

(Ord. No. 535 N.S. §§ 11-317—11-320; Ord. No. 1277 N.S.; Ord. No. 1372 N.S.; Ord. No. 1476 N.S.; Ord. No. 1533 N.S.; Ord. No. 1757 N.S.; Ord. No. 1844 N.S.; Ord. No. 2267 N.S.; Ord. No. 2289 N.S.; Ord. No. 2363 N.S.; Ord. No. 2428 N.S. § 7; Ord. No. 2480 N.S. § 5; Ord. No. 2487 N.S. § 2; Ord. No. 2511 N.S. § 1; Ord. No. 2560 N.S. § 6; Ord. No. 2566 N.S. § 2; Ord. No. 2920 N.S. § 6; Ord. No. 2933 N.S. § 4; Ord. No. 2943 N.S. § 7)

(Ord. No. 3054 N.S., § 4, 7-17-2012; Ord. No. 3183 N.S., § 6, 7-5-2017; Ord. No. 3184 N.S., § 6, 7-5-2017; Ord. No. 3278 N.S., § 3, 5-5-2020)

30-4.6 - R-6, Hotel Residential District.

- a. *General.* The following specific regulations and the general rules set forth in Section 30-5 shall apply in all R-6 Districts, as delineated and described in the zoning map(s). It is intended that this district classification be applied in areas where one and two-family homes and a mix of professional office, institutional and tourist oriented uses may be located to promote low density residential standards and a mix of more intense business uses.
- b. *Uses Permitted.*
 1. Uses permitted in the R-1, R-2, R-3, R-4 and R-5 Districts.
 2. Hotels, motels, hospitals, rest homes, professional offices for doctors, dentists, architects, engineers, accountants, artists, authors, attorneys, real estate and insurance offices, medical and dental clinics, and other uses which are similar to the foregoing; and clubs, lodges and fraternities, except those open to the general public or operated as a business or for profit, administrative office of nonprofit community social service organizations.
 3. Incidental and accessory buildings and uses on the same lot with, and necessary for, the operation of any permitted use.
 4. Signs: Those pertaining directly to a permitted multiple family or nonresidential use on the property, and as further regulated in Section 30-6 of these regulations.
 5. Bed and breakfast facilities, upon compliance with standards set forth in the definition for bed and breakfast in Section 30-2.
- c. *Uses Requiring Use Permit.* It is the intent of the 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, and similar considerations:
 1. Temporary tract sales offices, advertising signs, construction offices, equipment storage yards or structures therefor, which are incidental to the development during the construction and/or sales period.
 2. Automobile parking lots and ancillary facilities for ferry terminals serving the general public, provided that:
 - (a) Parking lots and ancillary facilities adjoin a commercial planned development zoned area or an industrially zoned area in which terminals are permitted;
 - (b) There is an entrance to the automobile parking lots and ancillary facilities for ferry terminals adjacent to nonresidential areas; and
 - (c) Any additional parking lot entrances adjacent to residentially zoned areas shall be allowed only if conditions are imposed to minimize the non-local automobile traffic to the terminal through the residential areas.
 3. Commercial recreation.
- d. *Minimum Height, Bulk and Space Requirements.*
 1. Lot Area: Not less than five thousand (5,000) square feet in all lots recorded on and after the effective date of this article, August 1, 1958. However, regardless of date of recordation, there shall be not less than two thousand (2,000) square feet of lot area for each dwelling unit.
 2. Lot Width: Not less than fifty (50') feet on all lots recorded on and after the effective date of this article, August 1, 1958.
 3. Maximum Main Building Coverage: Sixty (60%) percent of lot area.
 4. Building Height Limit: Not to exceed fifty (50') feet.
 5. Front Yard: Twenty (20') feet.

6. Side Yard. Side yards shall total not less than twenty (20%) percent of the lot width as measured at the front yard (a: Section 30-2—Definitions), and no side yard may either be less than five (5') feet or be required to be more than ten feet. The side yard on the street side of a corner lot shall not be less than ten (10') feet.
7. Rear Yard: Twenty (20') feet. Nor more than forty (40%) percent of the rear yard, as defined in Section 30-2, may be occupied by accessory buildings or structures (swimming pools excepted).
8. Distances Between Main Buildings on Same Lot: Same as required in R-5 Districts.
9. Yards for Corner Lot Adjacent to Key Lot: The side-yard setback on the street side of the corner lot, within twenty (20') feet of the side property line of the key lot, shall be equal to the front-yard of the key lot, as defined in Section 30-2, "Yard, front," and no structure, excluding barriers, may be permitted within five (5') feet of the rear property line on the corner lot.
10. Usable Open Space Requirements: Usable open space is comprised of private open space and common open space as defined in subsection 30-5.12. The following are the minimum open space requirements: a minimum one hundred twenty (120) square feet of usable open space per dwelling unit with a minimum of one hundred twenty (120) square feet of private open space per ground level dwelling unit; with a minimum of sixty (60) square feet of private open space per non-ground level dwelling unit; with a minimum of thirty (30) square feet of common open space per dwelling unit. There shall be not less than three hundred (300) square feet of common open space per lot.
11. Off-Street Parking and Loading Space: As regulated in Section 30-7.

(Ord. No. 535 N.S. §§ 13-1321—13-1324; Ord. No. 1277 N.S.; Ord. No. 1476 N.S.; Ord. No. 1533 N.S.; Ord. No. 1757 N.S.; Ord. No. 1844 N.S.; Ord. No. 2267 N.S.; Ord. No. 2289 N.S.; Ord. No. 2363 N.S.; Ord. No. 2428 N.S. § 8; Ord. No. 2480 N.S. § 6; Ord. No. 2487 N.S. § 3; Ord. No. 2511 N.S. § 1; Ord. No. 2560 N.S. § 7; Ord. No. 2566 N.S. § 3; Ord. No. 2933 N.S. § 5; Ord. No. 2943 N.S. § 8)

(Ord. No. 3111 N.S., § 3, 10-7-2014; Ord. No. 3184 N.S., § 7, 7-5-2017; Ord. No. 3278 N.S., § 3, 5-5-2020)

30-4.7 - A-P, Administrative—Professional District.

- a. *General.* The following specific regulations and the general rules set forth in Section 30-5 shall apply in all A-P Districts, as delineated and described in the zoning map(s). It is intended that this district classification be applied in areas where administrative and professional offices, medical and related facilities are the proper uses as indicated by the General Plan.
- b. *Uses Permitted.*
 1. Offices of an administrative and professional nature including, but not limited to the following:
 - (a) Accountants,
 - (b) Architects,
 - (c) Artists,
 - (d) Attorneys,
 - (e) Authors,
 - (f) Doctors and dentists,
 - (g) Engineers,
 - (h) Insurance agencies,
 - (i) Real estate offices,

- (j) Hypnotherapists and hypnotists,
 - (k) Optometrists,
 - (l) Psychic services (subject to permit requirements of sections 6-46.4 and 6-46.5 of the Alameda Municipal Code.
- 2. Medical facilities, including, but not limited to the following:
 - (a) Dental clinics,
 - (b) Hospitals,
 - (c) Medical clinics,
 - (d) Medical laboratories,
 - (e) Nursing and convalescent homes,
 - (f) Radiologist laboratories,
 - (g) Rest homes,
 - (h) Sanitariums.
- 3. Incidental or accessory buildings and uses on the same or adjacent lots which are necessary for the operation of any permitted use.
- 4. Signs: Those pertaining directly to a permitted use on the property, and as further regulated in Section 30-6 of these regulations.
- c. *Uses Requiring Use Permit.* 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 Board for their appropriateness in a specific location, or for such other factors as safety, congestion, noise, and similar considerations:
 - 1. Mortuaries.
 - 2. Underground or above ground public utility facilities for primarily local service such as substations, gas regulators, manned or unmanned communications equipment buildings, and similar uses, excluding City owned utilities.
 - 3. Uses compatible and incidental to those designated in paragraph b.
- d. *Minimum Height, Bulk and Space Requirements:*
 - 1. Lot Area: Ten thousand (10,000) square feet.
 - 2. Lot Width: Seventy-five (75') feet.
 - 3. Maximum Main Building Coverage: Forty (40%) percent of lot area.
 - 4. Building Height Limit: Two (2) stories, but not to exceed forty (40') feet.
 - 5. Front Yard: Twenty (20') feet.
 - 6. Side Yard: Side yards shall total not less than twenty (20%) percent of the lot width as measured at the front yard (as defined in Section 30-2—Definitions), and no side yard may either be less than seven (7') feet or be required to be more than twenty (20') feet. The side yard on the street side of a corner lot shall not be less than ten (10') feet.
 - 7. Rear Yard: Twenty (20') feet. Not more than forty (40%) percent of any rear yard may be occupied by accessory buildings or structures.
 - 8. Yards for Corner Lot Adjacent to Key Lot: The side-yard setback on the street side of the corner lot, within twenty (20') feet of the side property line of the key lot, shall be equal to the front-yard of the key lot, as defined in Section 3-2, "Yard, front," and no structure, excluding barriers, may be permitted within five (5') feet of the rear

property line on the corner lot.

9. Off-Street Parking and Loading Space: As regulated in Section 30-7.

(Ord. No. 535 N.S. §§ 11-1325—11-1328; Ord. No. 1277 N.S.; Ord. No. 1359 N.S.; Ord. No. 2289 N.S.; Ord. No. 2290 N.S.; Ord. No. 2416 N.S. § 1; Ord. No. 2428 N.S. § 9; Ord. No. 2511 N.S. § 1; Ord. No. 2560 N.S. § 8; Ord. No. 2920 N.S. § 7; Ord. No. 2943 N.S. § 9)

(Ord. No. 3168, § 2, 11-15-2016)

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. *Uses Permitted.*
 1. Any nonresidential use permitted in R-1, R-2, R-3, R-4 and R-5 Districts.
 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) Music 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 302,
 - (q) Uses permitted in the A-P District, and other office uses not associated with permitted retail sales use of the site, 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.
 3. 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.

4. Signs: As provided in Section 30-6 of these regulations.
5. Accessory dwelling units and junior accessory dwelling units, as regulated in Section 30-5.18, when a primary dwelling exists on the lot.
- c. *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. 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.
 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).
 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,
 - (c) Taverns without live entertainment,
 - (d) Restaurants, snack bars, lunch counters, but excluding drive-ins,
 - (e) Convenience food stores,
 - (f) Grocery stores,
 - (g) Liquor stores,
 - (h) Plant nurseries,
 - (i) Those portions of grocery stores devoted to the sale of alcoholic beverages,
 - (j) Small upholstery shops, exclusive of refinishing and other furniture repair or manufacturing,
 - (k) Commercial recreation.
 5. Any permitted use listed in paragraph b. that does business between the hours of 10:00 p.m. and 7:00 a.m.
 6. Any permitted use listed in paragraph b. which is not principally conducted within an enclosed structure.
 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.
 12. Work/live studios subject to the requirements of Section 30-15.

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

1. Lot Area, Lot Width, Building Coverage Regulations: None.
2. Building Height Limit: Two (2) stories but not to exceed thirty (30') feet.
3. Front Yard: None.
4. 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.
5. Rear Yard: None, except where the rear yard abuts an R District a minimum of fifteen (15') feet shall be maintained.
6. Off-street Parking and Loading Space: As regulated in Section 30-7.

(Ord. No. 535 N.S. §§ 11-1329—11-1332; Ord. No. 1277 N.S.; Ord. No. 1363 N.S.; Ord. No. 1749 N.S.; Ord. No. 1802 N.S.; Ord. No. 1817 N.S.; Ord. No. 1821 N.S.; Ord. No. 2064 N.S.; Ord. No. 2174 N.S.; Ord. No. 2202 N.S.; Ord. No. 2242 N.S.; Ord. No. 2267 N.S.; Ord. No. 2289 N.S.; Ord. No. 2416 N.S. §§ 2—4; Ord. No. 2566 N.S. § 4; Ord. No. 2630 N.S. § 1; Ord. No. 2943 N.S. § 10; Ord. No. 2944 N.S. § 2; Ord. No. 2979 N.S. § 2; Ord. No. 2984 N.S. § 2)

(Ord. No. 3072 N.S., § 7, 5-7-2013; Ord. No. 3111 N.S., § 4, 10-7-2014; Ord. No. 3168, § 2, 11-15-2016; Ord. No. 3183 N.S., § 2, 7-5-2017; Ord. No. 3255 N.S., § 4, 11-19-2019; Ord. No. 3278 N.S., § 3, 5-5-2020)

30-4.9 - C-2, Central Business District.

- a. *General.* The following specific regulations and the general rules set forth in Section 30-5 shall apply in all C-2 Districts, as delineated and described in the zoning map(s). It is intended that this district classification be applied in areas suitable for complete central retail business and service uses to serve a residential community.
- b. *Uses Permitted.*
 1. Uses permitted in C-1 Districts, except those which require a Use Permit under paragraph c.
 2. The following and similar retail, business, or service uses when conducted principally within enclosed structures:
 - (a) Appliance stores,
 - (b) Art supply shops,
 - (c) Auditoriums,
 - (d) Bakery shops,
 - (e) Banks, savings and loan associations, including drive-in facilities,
 - (f) Beauty colleges,
 - (g) Blueprinting shops,
 - (h) Bowling establishments,
 - (i) Business colleges,
 - (j) Uses permitted in the A-P District, and other office uses not associated with permitted retail sales use of the site, 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-2 District,
 - (k) Catering shops,
 - (l) Dairy products stores,
 - (m) Department stores,

- (n) Furniture stores, including new and used,
 - (o) Hotels, motels,
 - (p) Job printing shops,
 - (q) Lodge halls and social clubs,
 - (r) Mortuaries,
 - (s) Music stores,
 - (t) Newspaper publishing and printing establishments,
 - (u) Paint stores,
 - (v) Pawn shops,
 - (w) Pet shops,
 - (x) Photographic stores,
 - (y) Plumbing supplies and fixtures, retail sales only,
 - (z) Restaurants, snack bars, lunch counters, but excluding drive-ins,
 - (aa) Shoe stores,
 - (bb) Taverns,
 - (cc) Theaters, including movie and legitimate, but excluding drive-in type,
 - (dd) Travel agencies,
 - (ee) Used household articles and clothing sales,
 - (ff) Self-operated laundries,
 - (gg) Public buildings,
 - (hh) Bed and breakfast facilities, upon compliance with standards set forth in the definition for bed and breakfast in Section 30-2.
3. 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.
 4. Signs: As provided by Section 30-6 of this article.
 5. Accessory dwelling units and junior accessory dwelling units, as regulated in Section 30-5.18, when a primary dwelling exists on the lot.
- c. *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 and similar considerations.
1. Automobile sales and services, used car lots, provided, however, that the restrictions of paragraph b.3. related to number of employees allowed, shall not apply to these uses.
 2. Drive-in restaurants and other drive-in establishments, but excluding drive-in movie theaters.
 3. Any dwelling use as regulated by subsection 30-4.8c.1 of this article.
 4. Veterinary clinics and/or veterinary hospitals. Such uses may be allowed only upon a finding by the Planning Board 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. No outside pens or runs shall be permitted.

5. Gasoline service stations, exclusive of body, chassis and painting work, provided that all operations except the service of gasoline, oil, air and water shall be conducted within a building. See also yard requirements for gasoline stations, paragraph b.2(j) of this subsection and driveway requirements subsection 30-5.7i.
6. 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(j) above.
7. The following and similar retail, business, or service uses:
 - (a) Commercial parking lots and structures,
 - (b) Health studios or massage parlors,
 - (c) Convenience food stores,
 - (d) Combination liquor and convenience stores,
 - (e) Small upholstery shops, exclusive of refinishing and other furniture repair or manufacturing.
8. Any permitted use listed in paragraph b. that does business between the hours of 10:00 p.m. and 7:00 a.m. and is adjacent to a residential zone or on a street abutting a residential zone.
9. Ice dispensing stations (automatic).
10. Taxi stands.
11. Liquor stores.
12. Commercial recreation.
13. Any uses permitted in C-1 and C-2 districts which are not conducted within an enclosed structure.
14. Car washing establishments.
15. Commercial marinas subject to the following standards:
 - (a) Sheet flow of storm runoff into the bay and estuary shall not be permitted. Drainage facilities shall be reviewed on a project by project basis.
 - (b) Appropriate shoreline stabilization shall be required.
 - (c) Any refueling facilities shall be equipped with appropriate containment trays to prevent petroleum products from spilling onto the ground or into the water. These trays shall be regularly cleaned.
 - (d) Adequate facilities shall be provided to accommodate disposal of sewage and engine oil residues without per use cost. In addition, marinas shall sell to lessees, at cost, during all regular marina hours, absorbent materials designed to remove oil from bilge water, as well as provide, without cost, adequate disposal facilities for petroleum saturated absorbent materials. Signs shall be prominently posted at each dock access point indicating the availability of such absorbent materials and disposal facilities, the fine for illegally dumping petroleum products into the water, and the toll free number for reporting violations of clean water regulation.
 - (e) Conditions for rental and lease agreements shall include provisions requiring the termination of such agreements if boat owners are cited for having, or are known by marina operators to have, deliberately discharged petroleum products, contaminated bilge water, trash or sanitary wastes into marina water. They shall also require boat owners to remove boats from the water before scraping or painting hulls in a manner which discharges toxic residues into the surrounding waters.
 - (f) Marinas shall be engineered to avoid potential impacts related to seismic hazards.
 - (g) New marina proposals shall be reviewed for noise generated by nearby uses.
 - (h) Projects shall be reviewed for glare, and down-cutoff lighting shall be required.

- (i) Specific projects shall be reviewed for auto traffic impacts.
 - (j) Commercial marinas shall generally conform to the guidelines of the State Department of Boating and Waterways.
 - (k) All personnel involved in construction will be informed of the possibility of encountering archaeological or historical remains. If such remains are encountered, work in the vicinity will cease until a qualified archaeologist or historian can be consulted in conformance with 36 CFR 800.7 procedures as discussed in the Memorandum of Understanding dated October 1980, signed by FHWA, SHPO and the Department of the Interior.
 - (l) Live aboards are permitted in commercial marinas occupying up to a maximum of ten (10%) percent of the total berths.
 - (m) Houseboats are permitted only in existing houseboat marinas.
16. 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.
 17. Shared living, provided the facility is located above the ground floor.
 18. Work/live studios subject to the requirements of Section 30-15.
- d. *Minimum Height, Bulk and Space Requirements:*
1. Lot Area and Width: None.
 2. Building Height Limit: Eight (8) stories, but not to exceed one hundred (100') feet.
 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 five (5) to one (1).
 4. Front Yard: None.
 5. Side Yard: No setback shall be required, however if a setback is provided, then it shall be a minimum of twelve (12') feet. As to lots with side yards that abuts an R District, a minimum side yard of five (5') feet shall be maintained.
 6. Rear Yard: None, however, where the rear portion of the lot is accessible from a street, alley or parking lot, or combination thereof, the rear yard shall be a minimum of twelve (12') feet; provided, further, that any structure may project over such required rear yard if a fourteen (14') foot clear vertical distance between the structure and ground level is maintained.
 7. Yards for Gasoline Service Stations. (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.
 8. Off-Street Parking and Loading Space: As regulated by Section 30-7.

(Ord. No. 535 N.S. §§ 11-1333—11-1336; Ord. No. 1277 N.S.; Ord. No. 1373 N.S.; Ord. No. 1749 N.S.; Ord. No. 1771 N.S.; Ord. No. 1802 N.S.; Ord. No. 2064 N.S.; Ord. No. 2174 N.S.; Ord. No. 2201 N.S.; Ord. No. 2202 N.S.; Ord. No. 2267 N.S.; Ord. No. 2289 N.S.; Ord. No. 2294 N.S.; Ord. No. 2407 N.S.; Ord. No. 2416 N.S., § 5; Ord. No. 2428 N.S. §§ 10, 11; Ord. No. 2511, § 1; Ord. No. 2671 N.S. § 1; Ord. No. 2943 N.S. § 11; Ord. No. 2979 N.S. § 3; Ord. No. 2984 N.S. § 3)

(Ord. No. 3072 N.S., § 8, 5-7-2013; Ord. No. 3111 N.S., § 5, 10-7-2014; Ord. No. 3168, § 2, 11-15-2016; Ord. No. 3183 N.S., § 3, 7-5-2017; Ord. No. 3255 N.S., § 5, 11-19-2019; Ord. No. 3278 N.S., § 3, 5-5-2020)

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, 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. *Uses Permitted.*

1. The following retail sales and services 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,
- (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, mal waxing, electrolysis, tanning within the Park Street C-C District only. Piercing, tattoo and massage allowed when the primary use of hairstyling provided no more than two (2%) percent of the floor area is devoted to the access
- (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,
- (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,
 - (ll) Newspaper offices,
- (mm) Office uses, provided that such use shall not occupy the front fifty (50%) percent of the ground floor space directly fronting a public street, alley or sidewalk, 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,
- (u) 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. 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) 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,
- (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.
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 for properties fronting on Park Street north of Encinal Avenue. In the remaining areas of the Park Street C-C District the height limit shall be three (3) stories but not to exceed forty (40') feet and the height within this area may be increased to a maximum of five (5) stories but not to exceed 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.

Webster Street District—Maximum height shall be three (3) stories but not to exceed forty (40') feet throughout the C-C District.

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. Front Yard: None.
5. 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.
6. Rear Yard: None, however, where the rear lot line abuts a residential district there shall be a minimum rear yard of five (5') feet.
7. 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.
8. Off-Street Parking 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.

(Ord. No. 2850 N.S. § 1; Ord. No. 2920 N.S. §§ 8, 9; Ord. No. 2953 N.S. § 1; Ord. No. 2979 N.S. § 4; Ord. No. 2984 N.S. § 4)

(Ord. No. 3025 N.S., §§ 1, 2, 12-7-2010; Ord. No. 3047 N.S., §§ 1, 2, 6-6-2012; Ord. No. 3057 N.S., § 1, 10-16-2012; Ord. No. 3072 N.S., § 9, 5-7-2013; Ord. No. 3111 N.S., §§ 6, 8, 10-7-2014; Ord. No. 3168, § 2, 11-15-2016; Ord. No. 3183 N.S., § 4, 7-5-2017; Ord. No. 3255 N.S., § 6, 11-19-2019; Ord. No. 3278 N.S., § 3, 5-5-2020)

30-4.10 - C-M, Commercial- Manufacturing District.

- a. *General.* The following specific regulations and the general rules set forth in Section 30-5 shall apply in all C-M Districts as delineated and described in the zoning map(s). This district classification is intended to be applied where general commercial facilities are necessary and desirable for public service and convenience, or where light manufacturing will be a compatible use because of the absence of noise, odor, dust, dirt, smoke, vibration, heat, glare, excessive vehicular and rail traffic, radiation, and other hazards incidental to certain industrial uses.
- b. *Uses Permitted.*
 1. Uses permitted in C-1 and C-2 Districts, but excluding residential uses.
 2. The following uses which are conducted principally within enclosed structures:
 - (a) Assembly of electrical appliances, electronic instruments and devices, and radios and phonographs, including

- the manufacture of small parts, such as coils, condensers, transformers, crystal holders and similar items,
- (b) Automotive repairing, overhauling, rebuilding and painting, sales and services,
 - (c) Bakeries and bakery goods distributors,
 - (d) Bookbinding, printing, lithographing and engraving shops,
 - (e) Cabinet and carpenter shops,
 - (f) Candy, confectionery, catering establishments,
 - (g) Carpet and rug cleaning or dyeing,
 - (h) Cleaning and dyeing plants,
 - (i) Cold storage plants, including ice storage,
 - (j) Dairy products processing plants, but excluding canning operations,
 - (k) Diaper supply services,
 - (l) Electrical repair shops,
 - (m) Equipment sales and service, including refrigeration,
 - (n) Exterminators,
 - (o) Glass shops, including auto glass,
 - (p) Heating and ventilating shops,
 - (q) Household goods storage and moving,
 - (r) Jewelry manufacturers,
 - (s) Laundries and linen supply services,
 - (t) Optical goods manufacturing,
 - (u) Packaging establishments,
 - (v) Parcel delivery services,
 - (w) Petroleum products distribution station and accessory uses,
 - (x) Photographic processing, finishing and printing,
 - (y) Repair shops—miscellaneous,
 - (z) Research laboratories and institutions,
 - (aa) Sail lofts,
 - (bb) Scientific instrument and equipment manufacturing and machine shops,
 - (cc) Sheet metal shops,
 - (dd) Ship chandleries,
 - (ee) Tire sales, retreading, or recapping,
 - (ff) Tool or cutlery sharpening or grinding,
 - (gg) Underground or above ground public utility facilities for primarily local service such as substations, gas regulators, manned or unmanned communications equipment buildings, and similar uses,
 - (hh) Upholstery shops,
 - (ii) Veterinary clinics, veterinary hospitals, kennels, or animal shelters, provided that no such use shall be located within two hundred (200') feet of any R District unless allowed under a use permit and provided, further, that all outside pens or runs shall be screened from all adjacent lots and streets by solid fences or walls no less

than six (6') feet in height,

(jj) Warehousing and storage facilities,

(kk) Wholesale trade establishments,

(ll) Bed and breakfast facilities, upon compliance with standards set forth in the definition for bed and breakfast in Section 30-2.

3. Other commercial-manufacturing uses which are similar to the uses permitted in this district, are normally conducted within an enclosed structure, and are not specifically mentioned in M-1 and M-2 District regulations.

c. 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, and similar considerations.

1. Commercial-manufacturing uses not specified above which normally are not conducted within an enclosed structure,
2. Outdoor amusements,
3. Veterinary clinics, veterinary hospitals, kennels, or animal shelters within two hundred (200') feet of any R District only upon a finding 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. Supervised outdoor runs and unleashed activity shall only be permitted between the hours of 8:00 a.m. and 8:00 p.m., and animals shall be leashed and supervised when outdoors at all other times. No outside pens or unsupervised runs shall be permitted,
4. Any dwelling unit as regulated by subsection 30-4.8c.l. of this article,
5. Boat sales and service,
6. Car washing establishments,
7. Machinery sales, rentals and services,
8. Storage yards for motor vehicles, but excluding truck units as defined in Section 30-2, motor truck terminal,
9. Permitted uses which are not conducted within an enclosed building or structure,
10. Commercial marinas subject to the requirements in subsection 30-4.9c.15,
11. Columbariums and crematoriums,
12. Liquor stores,
13. Grocery stores,
14. Convenience stores located within three hundred (300') feet of any residential zoning district,
15. Work/live studios subject to the requirements of Section 30-15.
16. 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.

d. Minimum Height, Bulk and Space Requirements.

1. Lot Area, Width, Coverage and Front Yard: None.
2. Building Height Limit: One hundred (100') feet.
3. Side Yard: Same as specified for C-2 District.
4. Rear Yard: Same as specified for C-2 District.

5. Off-Street Parking and Loading Space: As regulated in Section 30-7 of these regulations.

(Ord. No. 535 N.S. § 11-1337—11-1340; Ord. No. 1277 N.S.; Ord. No. 1356 N.S.; Ord. No. 1400 N.S.; Ord. No. 1802 N.S.; Ord. No. 2174 N.S.; Ord. No. 2267 N.S.; Ord. No. 2289 N.S.; Ord. No. 2407 N.S. § 7; Ord. No. 2511, § 1; Ord. No. 2671 N.S. §§ 2, 3; Ord. No. 2700 N.S. § 2; Ord. No. 2784 N.S. § 2; Ord. No. 2979 N.S. § 5; Ord. No. 2984 N.S. §§ 5, 6)

(Ord. No. 3072 N.S., § 10, 5-7-2013; Ord. No. 3248, § 3, 9-3-2019)

30-4.11 - M-1, Intermediate Industrial (Manufacturing) District.

- a. *General.* The following specific regulations and the general rules set forth in Section 30-5 shall apply in all M-1 Districts, as delineated and described in the zoning map(s). It is intended that this district classification be applied in areas suitable for light manufacturing and other industrial purposes, and in which a reasonable degree of control is desirable for the protection of uses within and adjacent to the area so classified.
- b. *Uses Permitted.*
 1. Any use as permitted and regulated in the C-M District.
 2. The following and similar uses from which noise, smoke, dust, noxious fumes and gasses, glare, heat and vibration are confined within the premises or held to volumes, intensities and levels at the perimeters of individual properties which are no greater than those in the general area, in which disposal of all waste matter and material is in conformity with local and State standards and regulations, and in which all operations are conducted principally within buildings, except that other operations may be permitted within enclosures under conditions consistent with the intent of this article, if approved by the Planning Board:
 - (a) Automobile parts, accessories and assemblies rebuilding,
 - (b) Battery manufacturing,
 - (c) Blacksmith shops,
 - (d) Canneries,
 - (e) Ceramic products manufacturing, excluding pulverizing of clay,
 - (f) Commercial advertising structure, poster panel and painted bulletin maintenance and manufacturing,
 - (g) Compounding, treating or manufacturing of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane or other plastic sheeting, cloth, cork, feathers, felt, fiber, fur, hair, horn, glass, leather, light sheet metal products, paint (not employing a boiling process), paper, shell, textiles, tobacco, wire, and yard,
 - (h) Cosmetics manufacturing,
 - (i) Drugs and pharmaceuticals manufacturing,
 - (j) Electric motors (under one (1) horsepower) manufacturing,
 - (k) Electrical sign maintenance and manufacturing,
 - (l) Electronic equipment manufacturing, including radio, television and similar items,
 - (m) Food products (excluding fish products, sauerkraut, vinegar, yeast, rendering or refining of fats and oils, or any other product tending to produce noxious or offensive odors) processing,
 - (n) Light metal stampings manufacturing,
 - (o) Machine shops (not involving use of automatic screw machines, drop hammers or punch presses with a rated capacity of over twenty (20) tons),
 - (p) Pencil manufacturing,

- (q) Perfume manufacturing and/or blending,
 - (r) Plastic, rubber or synthetic rubber product manufacturing,
 - (s) Toiletries and toilet soap manufacturing (excluding refining or rendering of fats and oils),
 - (t) Truck repairing and overhauling,
 - (u) Wire products manufacturing, including nails, staples, wire cloth and similar items,
 - (v) Woodworking shops and sash and door manufacturing, including incidental mill work.
3. The following uses may be conducted within an area enclosed on all sides by a solid or open grill type wall, or a chain link fence and gates, all not less than six (6') feet in height, except that no wall or fence shall be required on the side that a property abuts a railroad right-of-way, the Estuary or U.S. Tidal Canal.
 - (a) Boat building and repair of craft not exceeding one hundred (100) tons,
 - (b) Building material including retail lumber sales; provided that all mill work is conducted within a completely enclosed structure; provided the sales of rock, sand, gravel, and like materials shall be clearly incidental,
 - (c) Draying, freighting or motor truck terminal,
 - (d) Feed and solid fuels sales yard,
 - (e) Heavy equipment storage yard or plan, or rental facility for such,
 - (f) Underground or aboveground public utility facilities for primarily local service such as substations, gas regulators, manned or unmanned communications equipment buildings, and similar uses.
 4. All other uses which are similar in character to the uses permitted above.
 5. Uses customarily incidental to any of the above uses when located on the same premises, including an attached or detached residence for an on-premises watchperson or manager and his or her family, subject to provision of two hundred forty (240) square feet of private useable open space immediately adjacent to and accessible from the residence. Open storage of materials and equipment shall be permitted only within an area enclosed on all sides with a solid or open grill type wall, or a chain link fence and gates, all not less than six (6') feet in height and in a manner consistent with the intent of the section except that no wall or fence shall be required on the side that a property abuts a railroad right-of-way, the Estuary or U.S. Tidal Canal. A solid wall or fence not less than six (6') feet high shall be required where the proposed use adjoins property in an R District.
 6. Signs: Those pertaining to the permitted and accessory uses on the property, and poster panels or painted bulletins, all as regulated further in Section 30-6 of these regulations.
 7. Emergency shelters provided that the proposed facility provides on site management and on site security during the hours that the shelter is in operation, provides twenty-five (25) beds or less, provides one (1) off street parking space for every three (3) beds, is located not less than three hundred (300') feet from another emergency shelter, and limits the length of stay to six (6) months or less.

c. 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 and similar considerations.

1. Blacksmith shops and machine shops involving the use of drop hammers, automatic screw machines or punch presses with a rated capacity of over twenty (20) tons,
2. Outdoor amusement uses,
3. Veterinary clinics and/or veterinary hospitals under the same terms and conditions set out in subsection 30-4.10c,

4. Repair, rehabilitation, or modification of an existing dwelling unit where continued use of the dwelling unit would not be in accordance with the attainment of General Plan industrial land use designations or the operation of legitimate industrial uses in the vicinity.
 5. Railroad yards,
 6. Shipping terminals,
 7. Truck cleaning and washing establishments,
 8. Permitted uses which are not conducted within an enclosed building or structure,
 9. Commercial marinas subject to the requirements of subsection 30-4.9c.15,
 10. Columbariums and crematoriums,
 11. Liquor stores,
 12. Convenience stores located within three hundred (300') feet of any residential zoning district,
 13. Work/live studios subject to the requirements of Section 30-15.
 14. 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.
- d. *Minimum Height, Bulk and Space Requirements.*
1. Lot Area: None.
 2. Lot Width: None.
 3. Maximum Total Building Coverage, including accessory buildings: eighty (80%) percent.
 4. Building Height Limit: One hundred (100') feet.
 5. Front Yard: Five (5') feet minimum.
 6. Side Yards: None, or where a side yard is desired, a minimum of twelve (12') feet shall be provided: provided, further, that in the event the use is adjacent to an R District, a minimum of twelve (12') feet shall be provided.
 7. Rear Yard: None required, except that in the event the use is adjacent to an R District, a minimum of twelve (12') feet shall be maintained.
 8. Off-Street Parking and Loading Space: As regulated in Section 30-7.

(Ord. No. 535 N.S. §§ 11-1345—11-1348; Ord. No. 1277 N.S.; Ord. No. 1356 N.S.; Ord. No. 1400 N.S.; Ord. No. 1802 N.S.; Ord. No. 2174 N.S.; Ord. No. 2289 N.S.; Ord. No. 2407 N.S. § 8; Ord. No. 2422 N.S. § 1; Ord. No. 2671 N.S. § 4; Ord. No. 2700 N.S. § 3; Ord. No. 2784 § 3; Ord. No. 2979 N.S. § 7; Ord. No. 2984 N.S. § 7)

(Ord. No. 3054 N.S., § 5, 7-17-2012)

30-4.12 - M-2, General Industrial (Manufacturing) District.

- a. *General.* The following specific regulations and the general rules set forth in Section 30-5 shall apply in all M-2 Districts as delineated and described in the zoning map(s). It is intended that this district classification be applied in areas suitable for the least restricted use of land within the City and that the restrictions applied shall be those necessary for the public health, safety and general welfare.
- b. *Uses Permitted.*
 1. Any use as permitted and regulated in the M-1 District.
 2. The following and similar uses from which noise, smoke, dust, noxious fumes and gasses, glare, heat and vibration are confined within the premises or held to volumes, intensities and levels at the perimeters of

individual properties which are no greater than those in the general area, and in which disposal of all waste matter and material is in conformity with local and State standards and regulations, and in which all operations are conducted principally within buildings, except that other operations will be permitted within enclosures under conditions consistent with the intent of this article if approved by the Planning Board.

- (a) Box or cooperage manufacturing,
 - (b) Breweries,
 - (c) Cork products manufacturing,
 - (d) Die casting,
 - (e) Electrical Equipment manufacturing, including heavy motors (one (1) horsepower and over), switch gear, transformers, turbines and similar items,
 - (f) Enameling works, including ferrous enamel, panels, cast iron or pressed steel, sanitary ware and similar items,
 - (g) Foundries—ferrous and nonferrous,
 - (h) Furniture (wood or metal) manufacturing,
 - (i) Match manufacturing (safety machines only),
 - (j) Metal products manufacturing or processing, structural, fabricated,
 - (k) Metal shipping drum, barrel manufacturing,
 - (l) Paperboard container product manufacturing and processing,
 - (m) Pickle or vinegar manufacturing,
 - (n) Pipe and pipe fitting manufacturing,
 - (o) Planing mill,
 - (p) Plumbing fixture manufacturing,
 - (q) Poultry or rabbit killing and dressing,
 - (r) Prefabricated houses or wood structural member manufacturing,
 - (s) Textile manufacturing, including canvas, cloth and similar items,
 - (t) Tool manufacturing—machine, hand,
 - (u) Transportation equipment manufacturing,
 - (v) Wood preservation processing,
 - (w) Trash Transfer Station. Hours of operation limited from 8:00 a.m. to 5:00 p.m. Trash burning or storage of hazardous materials is prohibited.
3. Uses customarily incidental to any of the above uses when located on the same premises, including an attached or detached residence for an on-premises watchperson or manager and his or her family, subject to provision of two hundred forty (240) square feet of private useable open space immediately adjacent to and accessible from the residence. Open storage of materials and equipment shall be permitted only within an area enclosed on all sides with a solid or open grill type wall, or a chain link fence and gates, all not less than six (6') feet in height and in a manner consistent with the intent of the section except that no wall or fence shall be required on the side that a property abuts a railroad right-of-way, the Estuary or U.S. Tidal Canal. A solid wall or fence not less than six (6') feet high shall be required where the proposed use adjoins property in an R District.
4. Signs: Those pertaining to the permitted and accessory uses on the property, poster panels and painted bulletins, all as regulated further in Section 30-6 of these regulations.

- c. *Uses Requiring Use Permits.* It is the intent of this paragraph that the following uses shall be reviewed by the Planning E for their appropriateness in a specific location, or for such other factors as safety, congestion, noise, and similar considerations.
1. Auto wrecking yards,
 2. Outdoor amusements,
 3. Veterinary clinics and/or veterinary hospitals upon the same terms and conditions set out in subsection 30-4.10c,
 4. Any existing dwelling use as regulated by subsection 30-4.11c,
 5. Airport and related facilities, aircraft landing areas,
 6. Asphalt batching plants, including hot mix,
 7. Concrete products manufacturing, batching plants,
 8. Lumberyard (wholesale), kiln,
 9. Railroad yards,
 10. Shipbuilding and repairing (over one hundred (100) tons),
 11. Shipping terminals,
 12. Permitted uses which are not conducted within an enclosed building or structure,
 13. Commercial marinas subject to the requirements of subsection 30-4.9c.15,
 14. Columbariums and crematoriums,
 15. Liquor stores,
 16. Convenience stores located within three hundred (300') feet of any residential zoning district,
 17. Hazardous materials processing, as defined by subsection 30-2(b) of the Alameda Municipal Code, and subject to the terms and conditions of Subsection 30-21.3(e) thereof,
 18. Work/live studios subject to the requirements of Section 30-15,
 19. 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.
- d. *Minimum Height, Bulk and Space Requirements.*
1. Lot Area: None.
 2. Lot Width: None.
 3. Maximum Total Building Coverage, including accessory buildings: Eighty (80%) percent.
 4. Building Height Limit: One hundred (100') feet.
 5. Front Yard: Five (5') feet minimum.
 6. Side Yards: None, or where a side yard is desired, a minimum of twelve (12') feet shall be provided; provided further, that in the event the use is adjacent to an R District, a minimum of twelve (12') feet shall be maintained.
 7. Rear Yard: None required, except that in the event the use is adjacent to an R District, a minimum of twelve (12') feet shall be maintained.
 8. Off-Street Parking and Loading Space: As regulated in Section 30-7 of these regulations.

(Ord. No. 535 N.S. §§ 11-1349—11-1352; Ord. No. 1277 N.S.; Ord. No. 1356 N.S.; Ord. No. 1400 N.S.; Ord. No. 1802; Ord. No. 2174 N.S.; Ord. No. 2289 N.S.; Ord. No. 2407, N.S. § 9; Ord. No. 2422 N.S. § 2; Ord. No. 2671 N.S. § 5; Ord. No. 2700 N.S. § 4; Ord. No. 2727 N.S. § 2; Ord. No. 2784 N.S. § 4; Ord. No. 2979 N.S. § 8; Ord. No. 2984 N.S. § 8)

30-4.13 - PD, Planned Development Combining District.

- a. *Statement of Purpose.* The purpose of the Planned Development District is to provide more flexibility in site design, development standards and types of land uses than would otherwise be allowed in the underlying zoning district; to ensure project compatibility with surrounding uses; and to ensure that adverse environmental effects are reduced or avoided to the maximum extent feasible.
- b. *Established.* The Planned Development (PD) District is hereby established as a zoning district classification combining the provisions of the regulations of the underlying district with the regulations for planned developments as set forth herein.
- c. *Qualifying Requirements.*
 1. All areas of the City zoned Planned Development shall be developed or redeveloped under the Planned Development process.
 2. A Planned Development shall include at least two (2) acres of contiguous land unless the Planning Board finds that an area containing less than two (2) acres is suitable as a planned development by virtue of its location adjacent to other planned developments, unique historical or architectural character, topography, natural landscape features, parks or water areas, or other features requiring special treatment or protection.
 3. All Planned Developments shall be consistent with the General Plan.
 4. In order to assure quality developments, professional talent (i.e., architects, landscape architects, civil engineers, traffic engineers and planners) should be used in the design of planned developments. Professionals should be registered in the State of California.
- d. *Uses Permitted in Planned Developments.*
 1. The following may be permitted in residential planned developments:
 - (a) Uses permitted in the district with which the PD District is combined;
 - (b) Uses requiring use permits in the district which the PD District is combined;
 - (c) Yacht clubs which the Planning Board finds are compatible with the development under consideration.
 2. The following uses may be permitted in nonresidential Planned Development Districts:
 - (a) Uses permitted in the district with which the PD District is combined;
 - (b) Uses requiring use permits in the district with which the PD District is combined;
 - (c) Any uses which the Planning Board finds are compatible with the development under consideration;
 - (d) Large format retail.
- e. *Other Applicable Regulations.* (Not related to use.) Regulations applicable to the district with which the PD District is combined shall apply, except for provisions for:
 1. Minimum lot area and width and maximum building coverage;
 2. Yards;
 3. Off-street parking;
 4. Height.

The Planning Board shall establish the requirements for excepted provisions by conditions of approval.

f. *Procedures and Standards.*

1. At least one (1) public hearing, noticed pursuant to subsection 30-21.7 shall be held on each application or substantial amendment thereto.

2. The provisions of subsections 30-21.3c and d. and subsection 30-21.12 shall apply to all PD applications.*
3. The Planning Board may approve a PD application only if it determines:
 - (a) The development is a more effective use of the site than is possible under the regulations for which the PD district is combined; and
 - (b) The project meets the requirements of AMC Section 30-21.3.b. Use Permit Standards, subsections 1, 2, 3, and 4.
4. Parcels developed with two (2) or more existing single-family or two-family dwellings may be approved as a Planned Development, subject to the following standards:
 - (a) The provisions of subsection 30-4.13c., d., and e. shall apply.
 - (b) Parcels to be subdivided shall be developed with only single-family or two-family homes.
 - (c) Each parcel created through the subdivision shall be required to comply with the density requirement of Article XXVI of the Alameda City Charter.
 - (d) No vacant parcels of less than five thousand (5,000) square feet shall be created.
 - (e) The proposal shall be reviewed for basic health and safety standards. The Planning Board shall be authorized to establish conditions of approval.
5. No PD application shall be approved which would not comply with the provisions of the Subdivision Map Act or subdivision regulations of the City, exclusive of those requirements for which exemptions are permitted.
6. The Planning Board may consider but shall not approve or disapprove architectural design features subject to Design Review Board approval.
7. A PD permit shall terminate one (1) year from the effective date of its approval unless actual construction has begun within that time. The time required to approve a tentative or final map on the PD permit shall extend the time to begin construction if the tentative map is filed within one (1) year.

Prior to the expiration of the one (1) year period within which the PD permit must be first exercised, the grantee may apply for one (1) additional one (1) year time period within which to exercise the approval. Such applications for extension shall be ruled upon by the Planning Board after a public hearing.

This right to apply for the additional one (1) year time period shall be retroactive to PD approvals in existence on or subsequent to December 1, 1988.

g. Density.

1. The Planning Board shall determine the number of dwelling units that are appropriate for the Planned Development. Unless mitigating measures can be implemented under paragraph i. of this subsection, density which could create the conditions listed in that paragraph shall not be allowed.
2. The maximum number of dwelling units which the Board may permit shall be:
 - (a) R-1; One unit per 5,000 square feet of lot area.
 - (b) R-2; One unit per 2,000 square feet of lot area.
 - (c) R-3; One unit per 2,000 square feet of lot area.
 - (d) R-4; One unit per 2,000 square feet of lot area.
 - (e) R-5; One unit per 2,000 square feet of lot area.
 - (f) R-6; One unit per 2,000 square feet of lot area.
3. Density shall be calculated for each planned development. The Board may calculate density on the basis of more than one (1) Planned Development if the Planned Developments are contiguous and part of an approved master

plan. This paragraph g. may be applied to existing as well as proposed Planned Developments.

h. *Streets and Other Transportation Facilities.*

1. All streets, other than ways used for access to garages or parking areas, shall be dedicated unless the Planning Board determines that private streets are a necessary arrangement in the design of the planned development and the covenants and conditions include a provision that the City may repair streets and/or require dedication at a later date if streets are not maintained.
2. The Planning Board may require the dedication of any walkway, bicycle path, or other transportation facility within a Planned Development if such dedication appears to be in the public interest.
3. A Planned Development shall satisfy either the provisions of the subdivision regulations or the requirements for exceptions to the provisions of the subdivision regulations. If the Planning Board determines that the design of the Planned Development meets the requirements for exceptions, approval of the Planned Development shall constitute the recommendation to authorize appropriate exceptions to the requirements and regulations of the subdivision regulations.

i. *Particular Conditions.* The Planning Board may impose such conditions as will eliminate or mitigate any of the following conditions which might otherwise result from approval of the application:

1. Traffic congestion or unsafe access,
2. Site not physically suitable for the type of development,
3. Site not physically suitable for the proposed density,
4. Proposed improvement is likely to cause substantial environmental damage,
5. Design or type of improvement is likely to cause serious public health problems.

j. *Development Plan.* An applicant seeking approval of a Planned Development shall submit a development plan with the application. The development plan shall include all of the following information:

1. A site plan showing:
 - (a) All streets, walkways, waterways, bicycle or pedestrian paths, parking lots, dividing strips, bridges, building pads or sites and lot lines, drawn so as to be easily read and interpreted,
 - (b) Areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings, and similar public uses, or similar facilities proposed for common ownership or use,
 - (c) General topography and cross-sectional information, in sufficient detail so as to be easily understood,
 - (d) Details and specifications, as necessary, to insure that improvements meet the requirements of the Planning Board.
2. A plot plan showing:
 - (a) Each building site or pad, its relationship to other building sites in distance and the approximate location of all buildings, structures and improvements.
 - (b) All open space, including common open space and private open space.
3. Elevations, perspective drawings, models or other graphic representations sufficient to appraise the Board of the design of the various improvements of the project.
4. A development schedule indicating:
 - (a) The approximate date when construction of the project is expected to begin.
 - (b) The stage in which the project will be built and the approximate date when construction of each state is expected to begin.

- (c) The anticipated rate of development.
 - (d) The approximate dates when the development of each of the stages in the development is expected to be completed.
 - (e) The area and location of common open space that will be provided at each stage.
- 5. An outline of the proposed agreements, provisions or covenants, if any, which will govern the use, maintenance, and continued protection of the Planned Development and any of its common open areas.
- 6. Any additional information which the Planning Board deems necessary or desirable.
- 7. An overall general or master plan showing how the plans relate to one another when two (2) or more related Planned Development plans will be filed.
- k. *Development Plan Finalization.* Whenever approval of the development plan is conditioned on amendments thereto, the Planning Board may require an additional review to insure that all exhibits and texts of the approval comply with approvals given. Exhibits and text shall be designated the final development plan when no further approvals are required by the Planning Board.
- m. *Amendments.*
 - 1. Amendments to planned developments shall be subject to review by the Planning Board.
 - 2. Amendments to planned developments shall be required under the following circumstances:
 - (a) Changes in permitted uses from those authorized under the planned development approval;
 - (b) Changes in the permitted minimum lot area and width, building height limit, maximum main building coverage, or yard requirements;
 - (c) Changes in off-street parking requirements;
 - (d) Additions to commercial or public uses which involve more than a twenty-five (25%) percent increase in the floor area of existing structures associated with the use. The Planning Board may place additional requirements on individual Planned Development projects that establish specific criteria for evaluating the need for an amendment. These may be in addition to or may modify the standard established in this section;
 - (e) A building or use expansion which, in the opinion of the Planning Director, may have a substantial adverse effect on adjacent property;
 - (f) Conversion of existing multiple tenant retail spaces to a single retail space greater than thirty thousand (30,000) square feet; unless, said conversion is allowed by the existing Planned Development approval.
 - 3. Amendments to final development plans shall be processed according to the foregoing provisions of this article.
- n. *Certificates of Compliance.* Before the issuance of an occupancy permit, the Zoning Administrator shall certify that the conditions of approval of the Planned Development have been met. The City Engineer's report on a final map shall certify that the final map is consistent with the conditions of approval of the Planned Development.
- o. *Rebuilding Destroyed Developments.* Planned Developments approved and completed at the adoption of this Ordinance No. 1807 N.S. may be rebuilt if destroyed by accident, fire or other cause.

(Ord. No. 2848 N.S. §§ 1, 2; Ord. No. 2652 N.S. § 1; Ord. No. 535 N.S. §§ 11-1353—11-1358; Ord. No. 1277 N.S.; Ord. No. 1807 N.S.; Ord. No. 1931 Exh. A No. § 12., 13., and 14.; Ord. No. 2025 N.S.; Ord. No. 2441 N.S., § 1; Ord. No. 2566 N.S. § 5; Ord. No. 2579 N.S. § 6; Ord. No. 2583 Exh. A., No. 7; Ord. No. 2600 N.S. §§ 1, 2; Ord. No. 2608, § 1; Ord. No. 2795 N.S. §§ 1, 2; Ord. No. 2979 N.S. §§ 10—13)

Editor's note— Subsections 30-21.3c and d. permit the Board to place conditions on approval and to revoke approval for failure to abide by required conditions. Subsection 30-21.12 permits the Planning Board to refer applications to the Design Review Board for a report or for approval.

30-4.14 - A, Agricultural Combining District.

- a. *General.* The following regulations shall apply in all districts with which are combined A Districts in addition to the regulations hereinbefore specified, and shall be subject to the provisions of Section 30-5; provided, however, that wherever conflict in regulations occurs the regulations of this subsection shall govern.
- b. *Uses Permitted.*
 1. All uses permitted in the respective district with which the A District is combined.
 2. Large animal husbandry and livestock farming, provided that not more than one (1) horse, one (1) mule, one (1) cow, or one (1) steer or bull shall be kept for each half acre of area.
 3. Crop and tree farming.
- c. *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, and similar considerations.
 1. Dog and cat kennel,
 2. Dairy farming,
 3. Veterinary hospital,
 4. Sale of agricultural products produced on the premises, provided that no permanent commercial structure for such purpose shall be permitted.
- d. *Special Yards and Distances Between Buildings.* Barns, stables, and similar accessory buildings shall be not less than fifty (50') feet from the front property line; not less than ten (10') feet from any side property line; nor less than forty (40') feet from any dwelling.

(Ord. No. 535 N.S. §§ 11-1359—11-1362; Ord. No. 1277 N.S.)

30-4.15 - B, Special Building Site Combining District.

- a. *General.* In any district with which is combined any B District, the following special regulations shall apply; provided, however, that wherever conflict occurs with respect to regulations covering building site area, depth of front yard or width of side yards, the more restrictive regulations shall govern. It is intended that these regulations shall be applied to those areas where a less than normal coverage of the building site area would afford better protection to the public health, safety and welfare.
- b. *Special Regulations.*
 1. Building Site Area Required: Shall be indicated by a number following the B in the district designation, which number represents the required area in thousands of square feet.
 2. Side Yards Required: Ten (10%) percent of lot width on each side to a maximum requirement of sixteen (16') feet, but in no case less than eight (8') feet for interior side yards or ten (10') feet for side yards adjacent to streets on corner lots.

(Ord. No. 535 N.S. §§ 11-1363—11-1364; Ord. No. 1277 N.S.)

30-4.16 - H, Special Height Combining District.

- a. *General.* In any districts with which are combined H Districts, the following special height regulations shall apply in lieu of the height regulations specified for such other districts; provided, that wherever conflict in regulations occurs the more restrictive of such regulations shall govern.
- b. *Special Height Regulations.*
 - 1. The special maximum height regulations shall be indicated by the symbol H followed by a numerical figure which figure shall represent the maximum permitted height in feet measured from the average elevation of the ground area to be occupied by a particular building or structure.

(Ord. No. 535 N.S. §§ 11-1365—11-1366; Ord. No. 1277 N.S.)

30-4.17 - G, Special Government Combining District.

- a. *General.* The G District classification shall be combined with the district classifications applied to all lands in the ownership of the U.S. Government or the State of California.
- b. Prior to the use of any lands by any private or public entity other than the United States or State of California, through purchase or pursuant to lease from the U.S. Government or State of California, rezoning procedures shall be completed to remove the G classifications and to consider further appropriate district classification changes.
- c. Reserved.
- d. Notwithstanding the provisions in subsection (b) herein, interim uses by private or public entities other than the United States or State of California of lands owned by the U.S. Government or State of California may be allowed, subject to a use permit, pursuant to subsection 30-21.3, if the following additional findings can be made:
 - 1. The interim use is approved for a limited time, not to exceed the maximum time frame set forth in the interim leasing program criteria;
 - 2. The interim use utilizes existing facilities and does not require substantial new development;
 - 3. The interim use will not disrupt on-going operations of the governmental entity should the interim use occur concurrent with continuing operations by a governmental entity;
 - 4. The interim use will not be detrimental to the ultimate redevelopment of the property or the potential resumption of use of the property by the governmental agency; and
 - 5. The interim use is consistent with an interim leasing program adopted by the City.
- e. An interim leasing program shall be adopted by the City prior to interim use, as provided in subsection (c) herein. The interim leasing program shall be for a specific parcel or parcels, shall specify permitted land uses, consistent with the underlying zoning district, and shall specify the maximum time frame for which a use permit may be granted. In the absence of an adopted interim leasing program, all interim leases shall require rezoning.

(Ord. No. 2658 N.S. § 1; Ord. No. 535 N.S. § 11-1374; Ord. No. 1277 N.S.)

(Ord. No. 3130 N.S., § 1, 7-7-2015; Ord. No. 3208 N.S., § 1, 1-16-2018)

30-4.18 - Y, Special Yard Combining District.

- a. *General.* In any districts with which are combined Y Districts, certain special yard requirements shall apply in lieu of those otherwise provided. Where conflict in such regulations occurs, the regulations of this section shall apply.

It is intended that this district classification be applied in cases in which special yard depths are necessary to complement unusual conditions related to waterways, breaks in topography and rights-of-way requiring widening in the future.

The district symbol Y shall be followed by a letter "f" to indicate a special front yard depth, a letter "s" to indicate special side yard depths, or a letter "r" to indicate a special rear yard depth, and a numeral following such letter f, s, or r shall indicate the special required minimum yard depth in feet.

- b. *Supplementary Off-Street Parking Spaces.* Wherever there shall be established a Yf district with a yard requirement less than the minimum required for an R-1 District with which it is combined, two (2) additional unenclosed off-street parking spaces shall be provided.

(Ord. No. 535 N.S. §§ 11-1375—11-1376; Ord. No. 1277 N.S.)

30-4.19 - O, Open Space District.

- a. *General.* The following specific regulations shall apply in all O Districts as delineated and described in the zoning map(s). It is intended that this district classification be applied on lands, tide lands and water areas suitable for recreational and aesthetic resources, and that the regulations established will promote and protect recreational uses, scenic vistas or reservation of land or water against the intrusion of improper uses.
- b. *Uses Permitted.*
 - 1. Public and private parks, parkways, playgrounds, beaches, lagoons or lakes, excepting buildings or structures thereon.
 - 2. Public and private golf courses, country clubs, excepting buildings or structures thereon.
 - 3. Public and private land or water preserves.
 - 4. Underground utility installations for local service.
- c. *Uses Permitted, Subject to Minor Design Review.* Subject to the adjacent property owner's ability to lease portion(s) of the public tidal lands within the "O" District, minor structures that are accessory to the adjacent residential use for the purpose of either: a) waterfront access, including but not limited to docks, and fences/gates not to exceed eight feet (8') in height above the dock, or b) landscape amenities, such as arbors, gazebos, and similar unenclosed structures not to exceed ten feet (10') in height, are permitted subject to approval process for improvements requiring minor design review, as outlined in Section 30-37 Design Review Regulations.
- 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, sanitation, design and visual attractiveness.
 - 1. Any structure or building (other than those described in subsection c. of this section) located within areas described in paragraphs b.1., 2. and 3.
 - 2. Above ground utility installations for local service.
 - 3. Publicly owned small craft marinas and related installations.
 - 4. Public and commercial concessionaire activities, uses and buildings.

(Ord. No. 1601 N.S.; Ord. No. 1992 N.S.; Ord. No. 2407 N.S. §§ 11, 12; Ord. No. 2920 N.S. § 10)

30-4.20 - M-X, Mixed-Use Planned Development District.

- a. *Purpose.* The purpose of the Mixed-Use District is to encourage the development of a compatible mixture of land uses which may include residential, retail, offices, recreational, entertainment, research oriented light industrial, water oriented or other related uses. The compatibility and interaction between mixed uses is to be insured through adoption of Master Plan (defined in subsection 30-4.20f) and development plan site plan (defined in subsection 30-4.20h), which indicate proper orientation, desirable design character and compatible land uses to provide for:

1. A more pedestrian-oriented nonautomotive environment and flexibility in the design of land uses and structures than are provided by single purpose zoning districts, including but not limited to shared parking;
 2. The enhancement and preservation of property and structures with historical or architectural merit, unique topographic, landscape or water areas, or other features requiring special treatment or protection;
 3. Recreation areas that are most accessible to both the M-X district's inhabitants and other City residents;
 4. Environments that are more conducive to mutual interdependence in terms of living, working, shopping, entertainment and recreation; and
 5. Flexibility in the design, lay-out and timing of build-out of large-scale mixed use projects in order to respond to market demands while ensuring that development is in conformance with adopted standards, procedures and guidelines. In order to accomplish this purpose, the City may establish Development Standards, Procedures and Guidelines (which govern, among other items, processing procedures, project-wide design guidelines addressing architecture, site planning, parking, circulation, streetscape, open space, landscaping, lighting, project identification and signage, and specific use design guidelines) as part of the Master Plan to which the Development Plans must then conform.
- b. *Established.* The Mixed-Use (M-X) District is hereby established as a separate zoning district classification.
- c. *Qualifying Requirements.* Qualifying requirements are the same as other Planned Developments (subsection 30-4.13) except that the acreage limitation shall not apply.
- d. *Regulations of Uses Permitted in Mixed-Use Planned Developments.*
1. Uses permitted are those approved by the City Council after review hereunder by the Planning Board.
 2. The City Council may approve, by ordinance, a Master Plan of mixed uses where each phase thereof provides for Open Space District uses (subsection 30-4.19b. and c.) together with at least two (2) other uses which are permitted in either: (i) R-1 or R-2 Districts, (ii) R-6 Districts, (iii) A-P Districts, (iv) C-1 or C-2 Districts, or (v) C-M Districts (of this article) and which otherwise meets the requirements set out herein.
 3. The provisions of subsection 30-4.13h. and i. through n. shall apply to M-X Districts.
 4. The City Council and Planning Board may rely on standards established in other sections of this article as guidance.
 5. The City Council and Planning Board shall establish all other requirements by conditions of approval. The Planning Board shall recommend whatever conditions it deems appropriate for the Master Plan and shall establish conditions for approval of development plans.
- e. *Density.*
1. The City Council shall determine the number of dwelling units that are appropriate for the M-X and the appropriate area of noncommercial development therein.
 2. Residential development within the entire M-X shall not exceed one (1) dwelling unit per two thousand (2,000) square feet of lot area for land designated on the Master Plan for residential use.
- f. *Master Plan.* An application for an M-X District development shall be initiated by filing a Master Plan for the entire district for review with public hearing for an approval in principle by the Planning Board and City Council. A Master Plan submitted shall include:
1. *Market Analysis.* Except in redevelopment project areas where a project is approved or amended in conjunction with an agreement with the redevelopment agency, an application seeking approval of a mixed-use development shall submit a market analysis, which shall be prepared and signed by an economist or market analyst as demonstrated by appropriate training and experience, and reviewed by the Planning Board. The market analysis

shall demonstrate that the amount of land proposed can be realistically supported in commercial, residential, professional office or research uses. For these purposes such market analysis shall contain the following determinations:

- (a) Determination of the trade area of the proposed facilities;
 - (b) Determination of the trade area population, present and prospective;
 - (c) Determination of the effective buying power in such trade areas;
 - (d) Determination of net potential customer buying power for stores in the proposed commercial and professional facilities and, on such basis, the recommended use types and floor areas;
 - (e) Determination of the combined market attraction as a result of the combination of proposed uses for the purpose of assessing the benefits projected for a mixed use project.
2. An application form prepared by the Planning Department that identifies the location of the proposed development, the applicant, the owner of the property, and the size of the property;
3. A schematic map showing:
 - (a) Proposed land use designations;
 - (b) Streets and parking lots;
 - (c) Water areas and places of public access to water;
 - (d) Public open space and other public facilities;
 - (e) Structures or natural features to be preserved.
4. Maps indicating the following transportation circulation systems within the project and connecting to larger circulation networks in the City:
 - (a) Vehicular, including public transit,
 - (b) Bicycles,
 - (c) Pedestrians, and
 - (d) Waterways.
5. Preliminary elevations of each structure or elevations of each model or typical structure.
6. A narrative text including:
 - (a) Identification and description of the uses proposed;
 - (b) Statement of the scale of each use, expressed in numbers (i.e., number of residential units, number of boat berths, square footage of retail-commercial, square footage of office uses, etc.) and in acreage allotted;
 - (c) Description of the vehicular transportation circulation system within the project and connecting to larger circulation networks in the City;
 - (d) Description of alternatives to private vehicles, including facilities for public transportation use, pedestrians, and bicycles;
 - (e) Preliminary plans for parking, describing scale and location;
 - (f) Tabulations of approximate acreage allotted to public open space, common private open space, and noncommon private open space;
 - (g) Description of public access to water and public utilization of water related facilities; and
 - (h) Statement of probable uses of public open space and other public facilities, including a rationale for scale and location.

7. A preliminary development schedule and phasing diagram showing each phase of the development schedule of the Plan, for purposes of planning public amenities and infrastructure.
8. In lieu of (f)(5) and (7) above, at its discretion, the City Council may approve as part of the Master Plan, a document containing detailed Development Standards, Procedures and Guidelines to which Development Plans must conform and which shall generally cover the topics described in (f)(5) and (7) but permit flexibility in design, lay-out and timing of buildout. The City Council may approve in the Development Standards, Procedures and Guidelines, as provided for in subsection 30-4.20 a5, the delegation of some, or all, of the decisions on the development plans to the Planning Director.

g. *Procedures and Standards.*

1. At least one (1) public hearing shall be held by the Planning Board, noticed pursuant to subsection 30-21.7 on each Master Plan after the Board shall make its recommendations to the City Council.
2. The City Council shall also hold at least one (1) public hearing on the Master Plan before making its decision therein.
3. The Planning Board may approve a development plan only if it determines, in the context of the Master Plan, that the mixed use development:
 - (a) Qualifies;
 - (b) Satisfies the purpose of these regulations;
 - (c) Is designed in a manner compatible with existing and potential contiguous uses;
 - (d) Provides a sufficient vehicular and nonvehicular circulation system within the project with the least amount of duplication; and the best interface with other systems;
 - (e) Provides and maintains adequate landscaping using, where appropriate, native plants and taking maximum advantage of the screening capabilities of landscaping;
 - (f) The amount of land proposed for any particular use can be marketed for that use within a reasonable time after development is complete;
 - (g) Provides sufficient area, and encourages adequate public accessibility and usage of the water/land interface;
 - (h) Provides a comprehensive, coordinated, controlled system of informational and directional graphic signage throughout the development; and
 - (i) Demonstrates progressive techniques for the conservation of, and decreased consumption of, nonrenewable energy.
4. Planning Director Decisions.
 - (a) Where authority for decisions on development plans is delegated to the Planning Director, pursuant to subsection 30-4.20 f8a, the Planning Director shall be responsible for making the determinations required in subsection 30-4.20 g3 and providing the same public notice required for Planning Board action on a development plan, but may take action administratively without holding a public hearing. In those instances where the Planning Director believes an application will generate significant public interest or involve policy issues, the Planning Director may refer the application to the Planning Board for review and action. Each decision made by the Planning Director pursuant to delegated authority in accordance with this section shall be placed as an information item on the Planning Board agenda and provide a summary of the project and conditions.
 - (b) If the Planning Director receives a written request for a Planning Board public hearing and action by the Planning Board any time during the review process but no later than ten (10) days after the action of the

Planning Director or three (3) working days following the Planning Board meeting for which the information item is on the agenda, whichever time period is longer, then the development plan shall be set for Planning Board public hearing and action.

- h. *Development Plans.* Applicants shall file development plans which include the following information:
 1. Proposed land uses, population densities and building intensities, school sites and usable open space as part of the Site Plan.
 2. All other requirements of subsection 30-4.13j.
- i. *Development of the Phases of the Master Plan.*
 1. Each phase of the Master Plan shall be substantially under construction before development plan for another phase may be approved, unless otherwise provided in an applicable agreement with the City or Community Improvement Commission.
 2. A phase may be processed by more than one (1) development plan upon approval of the Planning Board for each development plan.
- j. *Interim Use Permits.* The Planning Board may approve or amend a use permit for a property zoned M-X prior to approval or implementation of a master plan provided that: i) the use is either permitted or conditionally permitted in one of the districts identified in subsection d.2. above, ii) a good-faith effort is being made to complete the master plan for the site according to an agreed-upon time schedule, iii) the term of the use permit is defined and short-term and conditions are included that describe and manage the termination of the interim use upon expiration of the use permit, iv) the interim use does not have significant or greater adverse impacts on neighboring properties, and v) the approved uses will not inhibit or delay adoption of a master plan or redevelopment of a the property consistent with the M-X zoning district purposes.

(Ord. No. 1988 N.S.; Ord. No. 2807 N.S. § 1)

(Ord. No. 3014 N.S., § 1, 12-15-2009; Ord. No. 3168, § 2, 11-15-2016)

30-4.21 - E, Estuary District.

- a. *General.* The following specific regulations, and the general rules set forth in section 30-5, shall apply in all E Districts as delineated and described in the zoning maps and described as follows: those submerged lands between the City limits to the north, the mouth of San Leandro Bay at the eastern end of the Tidal Canal on the east as defined by the intersection of Fernside Avenue and Thompson Avenue, the Oakland Estuary on the west as defined by the western end of Alameda Point, and the Mean Higher High Water Line on the south. It is intended that this district classification be applied in areas in the Oakland Estuary and Tidal Canal, and that the regulations established will promote and protect the environment and water-dependent uses in such districts.
- b. *Definitions.*
 1. Boat House: shall mean a small structure constructed on or near water for the purpose of housing boats and/or boating or other maritime-related equipment and accessories.
 2. City Limits: shall mean the boundary of the City of Alameda's jurisdiction.
 3. Mean Higher High Water (MHHW) Line: shall mean the average height of the higher high waters (high tide) over a nineteen (19) year period.
 4. Oakland Estuary: shall mean the waterway between the cities of Alameda and Oakland, starting from the Tidal Canal on the east to the mouth of the estuary on the west.
 5. Tidal Canal: shall mean the Oakland Inner Harbor Tidal Canal that was dredged by the Corps between

approximately 1884—1905 and includes the waterway between the cities of Alameda and Oakland from the Oakland Estuary to the west to the mouth of San Leandro Bay on the east.

- c. *Uses Permitted.* None.
- d. *Uses Requiring Use Permits.* All proposed development within the E District, including:
 - 1. *Uses:*
 - (a) Marinas,
 - (b) Boat houses, docks, and piers,
 - (c) Seaport distribution facilities, including boat repair and other marine services and similar uses, provided such uses are consistent with the zoning district on the upland portion of the parcel, as applicable or adjacent parcel and subject to the required findings required by subsection 2 of this section.
 - (d) Bridges, tubes, and other structures and facilities required for the movement of people, energy or materials between the City of Alameda and the City of Oakland.
 - (e) Uses and facilities determined by the Planning Board or Zoning Administrator determined to be substantially similar in character and scale to the uses and facilities described in subsection (a) through (d) above.
 - 2. *Findings.* In addition to the findings in subsection 30-21.3, the Planning Board or Zoning Administrator may authorize the issuance of a Use Permit only if the following additional findings can be made:
 - (a) The proposal will not create any additional impairments to navigational safety in the Oakland Estuary or the Tidal Canal.
 - (b) The proposal is appropriate for the specific location and potentially significant safety, congestion, noise, visual obstruction and other environmental impacts have been considered and addressed.
 - (c) The proposed use(s) is/are water-dependent and is/are consistent with the public trust, as applicable.
 - (d) The proposed use(s) will not cause degradation to water quality in the Oakland Estuary or the Tidal Canal, or to water-related habitat.
 - (e) The proposal, as conditioned, shall be required to obtain any other discretionary approvals required by other regulatory or resource agencies, as applicable.
 - (f) The proposed use(s) will not impair or impede the use or enjoyment of neighboring properties, including the use of existing docks.
 - (g) The footprint of any new structures included in the proposal must be located entirely within the existing properly owned by or under the control of the applicant.
 - 3. *Conditions.* The approval of a use permit shall be contingent upon the acceptance and observance of specified conditions, including, but not limited to the following:
 - (a) All title information, leases and City permits shall be complete, accurate and maintained up-to-date.
 - (b) For commercial marinas, the applicant shall also comply with all other requirements of subsection 30-4.9(c) (15) of the Zoning Ordinance.
 - (c) The applicant shall comply with all other environmental mitigations determined to be necessary through the environmental documentation and public review process.
 - (d) The applicant shall comply with any setbacks required by the U.S. Army Corps of Engineers for channel dredging and maintenance activities for both fixed structures and moored vessels.
 - (e) The applicant shall maintain the perimeter slope in accordance with City standards.
- e. *Minimum Height, Bulk and Space Requirements.* Appropriate height, bulk and setback requirements for the proposal

shall be established as a condition of the Use Permit and shall be in conformance with the required findings established by subsection 3, the conditions required by subsection 4, and the requirements in 30-5, as applicable.

(Ord. No. 2662 N.S. § 1)

(Ord. No. 3164 N.S., § 1, 10-4-2016)

30-4.22 - T, Theatre Combining District.

- a. *General.* The following regulations shall apply in all districts which are combined T Districts and uses of land in such combined districts shall be subject to the provisions of Section 30-4; provided, however, that wherever conflict in regulations occurs, the regulations of this subsection shall govern.
- b. *Uses Permitted.* All uses permitted in the respective district with which the T District is combined.
- c. *Uses Requiring Use Permits.* It is the intent of this paragraph that the following uses shall be reviewed by the Planning Board for the appropriateness in a specific location, or for such other factors as safety, congestion, noise, and similar considerations:
 1. Auditoria;
 2. Multiple-screen theaters;
 3. Theaters, both movie and live;
 4. Other places of public assembly; and
 5. All uses permitted pursuant to a use permit in the respective district with which the T District is combined.
- d. *Special Parking Requirements.* In addition to the findings in subsection 30-21.3, the Planning Board may authorize the issuance of a use permit only if the proposed parking:
 1. Is adequate to serve the use's peak parking demand as estimated by a study satisfactory to the Planning and Building Director; and
 2. Complies with all other applicable provisions of Section 30-7 of this chapter.
- e. *Special Signage Requirements.* Every use permitted under paragraph c. of this subsection may include signs provided that individual standards shall be established for each project in conjunction with the approval required by paragraph c. Requirements for similar uses discussed in this article shall serve as guidelines. All signs, temporary and permanent, shall be approved by the Planning and Building Director pursuant to a coordinated signing program for each project. The program shall coordinate:
 1. Location, number, size and mode of display;
 2. Colors, materials and illumination; and
 3. Temporary signs: duration of use.

(Ord. No. 2937 N.S. § 3)

30-4.23 - Multi-family Residential Combining Zone.

- a. *Purpose.* The Multi-family residential combining zone (MF District) is an overlay zone intended for lands in Alameda that are well located for transit oriented Multi-family housing, necessary to accommodate Alameda's share of the regional housing need, and available to facilitate and encourage the development of a variety of types of housing for all income levels, including Multi-family rental housing as required by California Government Code sections 65580 and 65583.
- b. *Alameda Municipal Code and Underlying Zoning District Provisions and Requirements.*

1. Proposed residential use within the MF district shall comply with the provisions of the MF District, the provisions of underlying zoning district and all other provisions of the Alameda Municipal Code. In the event of a conflict between provisions of the MF Combining District and the provisions of the underlying district or the Alameda Municipal Code Alameda City Charter Article 26, the provisions of the MF District shall govern.
2. Proposed non-residential use, if permitted or conditionally permitted by the underlying zoning districts, within the MF District shall comply with the provisions of the underlying zoning district and all other provisions of the Alameda Municipal Code.

c. *Housing Types Permitted.*

1. The following housing types shall be permitted by right, without a conditional use permit or other discretionary review other than design review, in addition to those permitted by the underlying zoning district:
 - (a) Multi-family;
 - (b) Town homes;
 - (c) Senior;
 - (d) Transitional housing;
 - (e) Supportive housing;
 - (f) Shared living;
 - (g) Live/work;
2. For the purposes of the MF District, live/work shall be defined as a residential unit that is the primary residence and place of employment for the owner or occupant of the live/work unit.

d. *Land Uses Permitted.*

1. Residential uses are permitted by right in the MF Combining District in addition to the uses permitted and conditionally permitted by the underlying zoning district.
2. All properties with the MF Combining District designation that front on Park Street or Webster Street shall provide ground floor retail space fronting onto the Park Street or Webster Street public right-of-way.

e. *Permitted Residential Density and Lot Size.*

1. Within the MF Combining District, the maximum permitted residential density shall be thirty (30) units per acre.
2. Minimum lot size requirements shall be modified as necessary to permit construction at the densities allowed by this section.

f. *Height Requirements.* The maximum height permitted shall be three (3) stories or thirty-five (35') feet, except as provided in paragraph k.

g. *Transportation Facilities and Service Requirements.* Off-street parking provided shall comply with Section 30-7.

h. *Review Requirements.* The review of residential development proposals for residential development within the MF Overlay zone shall be limited to findings for approval contained in Section 30-37.5, Design Review. No other discretionary action shall be required, unless the applicant requests a variance from the requirements of the MF Overlay or Alameda Municipal Code, consistent with Government Code Section 65583.2(i). 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.

i. *Open Space Requirements.* On site open space shall be provided in accordance with the requirements of the applicable underlying zoning district.

- j. *Setback Requirements.* Setbacks from property lines shall be provided in accordance with the requirements of the applicable underlying zoning district.
- k. *Affordable Housing Requirements.*
 - 1. All residential projects shall provide affordable housing pursuant to Alameda Municipal Code 30-16, Affordable Housing.
 - 2. Projects that qualify for a residential density bonus pursuant to Section 30-17, Affordable Housing Density Bonus and Government Code § 65915 shall be entitled to:
 - (a) Up to a thirty-five (35%) percent increase in maximum allowable density described in provision e of this section;
 - (b) A maximum height of four (4) stories but not more than forty-five (45') feet;
 - (c) Waivers, parking reductions, incentives and concessions as described in Section 30-17.
 - 3. Projects in which at least fifty (50%) percent of units are deed restricted for fifty-five (55) years to very-low and low income households, with at least half of these restricted to very-low income households shall be entitled to:
 - (a) A sixty (60%) percent increase in maximum allowable density described in provision e of this section;
 - (b) A maximum height of five (5) stories or not more than sixty (60') feet;
 - (c) A requirement of no more than seventy-five (75') feet of open space per unit;
 - (d) A requirement of no more than one (1) parking space per affordable residential unit;
 - (e) Waivers, parking reductions, incentives and concessions as described in Section 30-17.
 - (f) Projects in which one hundred (100%) percent of units are deed restricted for fifty-five (55) years to very-low and low income households shall also be exempt from subsection g.1. of this section.

(Ord. No. 3054 N.S., § 6, 7-17-2012; Ord. No. 3183 N.S., § 7, 7-5-2017; Ord. No. 3309 N.S., § 3, 11-16-2021)

30-4.24 - Alameda Point.

- a. *Purpose.* This section provides regulations to facilitate and guide future development at Alameda Point consistent with the goals and objectives of the 1996 Naval Air Station (NAS) Alameda Community Reuse Plan, the City of Alameda General Plan, and:
 - 1. Seamlessly integrate the former Naval Air Station property into the physical and social fabric of the City of Alameda.
 - 2. Replace the jobs lost by the departure of the Navy and fostering new economic development opportunities on the former federal lands.
 - 3. Increase public access to the waterfront and supporting maritime commercial and industrial use of the waterfront.
 - 4. Create mixed-use transit oriented walkable districts that deemphasize the automobile and support alternative modes of transportation.
 - 5. Create sustainable districts that minimize greenhouse gas emissions, energy and water use, and maximize protection of the natural environment.
- b. *Applicability.* The regulations in this section are applicable to all properties within the Alameda Point Zoning District. In addition to these regulations, all new construction, alterations, and land use within the Alameda Point Zoning District must comply with the following permit requirements.
 - 1. *Alameda Municipal Code.* Regulations in the Alameda Municipal Code (AMC) not covered by this section remain

applicable to the Alameda Point Zoning District, including, but not limited to Section 13-19 (Green Building Requirements) and Section 30-58 (Water Conservation and Bay Friendly Landscaping Requirements). When the content of this section conflicts with the AMC, this section shall govern.

2. *Waterfront Town Center Sub-district and Main Street Neighborhood Sub-district Master Plan Required.* Any proposal to construct any new building that establishes a new use within the A-P-Main Street Neighborhood or A-P-Waterfront Town Center Sub-districts shall require approval of a Master Plan, consistent with AMC Section 30-4.20 M-X Mixed Use Planned Development District regulations. Master plans may be prepared for all or a portion of the Sub-district.
3. *Design Review Required for All New Development.* All improvements requiring building permits shall be subject to the requirements of AMC 30-36 Design Review Procedures and AMC 30-37 Design Review Regulations. All design review applications shall be reviewed for conformance the submittal requirements for a Development Plan as required by AMC 30-4.13 (j), the regulations of this Section and the applicable sections of the Citywide Design Review Manual.
4. *Biological Regulations and On-site Lighting.* All new construction projects, alterations to existing buildings and new uses shall comply with the conditions set forth in the Declaration of Restrictions for the Former Naval Air Station (Declaration) consistent with the Biological Opinion issued by the U.S. Fish and Wildlife and Exhibit C (Alameda Point Lighting Mitigation Measures) of the Memorandum of Agreement between the City of Alameda and Department of Veteran's Affairs.
5. *NAS Alameda Historic District Guidelines.* All new construction and modifications to existing buildings within the NAS Alameda Historic District should be consistent with the Guide to Preserving the Character of the Naval Air Station Alameda Historic District, as amended, and AMC Section 13-21 (Preservation of Historical and Cultural Resources).
6. *Public Trust Exchange Act and Agreement.* All use of land and existing buildings and new construction shall be reviewed for consistency with Naval Air Station Alameda Public Trust Exchange Act, Chapter 734, Statutes of 2000, as amended by Chapter 429, Statutes of 2011 and Naval Air Station Alameda Exchange Agreement regarding Public Trust Lands at Alameda Point, referred to collectively in this section as the Public Trust Exchange Agreement.
7. *Alameda Point Environmental Impact Report Mitigation Monitoring Program.* All new development and uses shall be reviewed for consistency with the 2014 Alameda Point Environmental Impact Report adopted Mitigation Monitoring and Reporting Program.
8. *Alameda Point Master Infrastructure Plan.* All new development and uses shall be reviewed for consistency with the Alameda Point Master Infrastructure Plan.
9. *Alameda Point Master Transportation Demand Management Plan.* All new development and uses shall be reviewed for consistency with the Alameda Point Transportation Demand Management Plan.
- c. *Alameda Point Sub-district Purpose Descriptions.* The Alameda Point Zoning District is comprised of six Sub-districts. Each sub-district includes a specific set of regulations designed to achieve the following purposes and intent:
 1. *Waterfront Town Center (WTC).* This sub-district provides lands for a mix of uses that include waterfront and visitor-serving uses, including retail, service, entertainment, lodging, recreational, and medium to high-density residential uses. Development standards are intended to create a pedestrian, bicycle, and transit supportive urban environment designed to de-emphasize the automobile and create a mixed-use environment that supports the emergence of a transit and pedestrian-friendly mixed-use waterfront neighborhood. To ensure that the development of this area achieves these purposes, a master plan is required for this sub-district.

2. *Main Street Neighborhood (MS)*. This sub-district provides lands for a variety of housing types with complementary neighborhood-serving retail, urban agriculture and parks uses, and a mix of residential densities. Development standards support development of a walkable, transit friendly neighborhood with safe streets, adequate common open space site planning that complements the NAS Alameda Historic District Residential Subarea character-defining features. Development standards should support a diversity of household types, including supportive housing, assisted living, and a mix of neighborhood compatible uses, such as community gardens, childcare centers, urban farms, and other neighborhood supporting uses. To ensure that the development of this sub-district achieves these purposes, a master plan is required for this sub-district. All regulations and standards shall be included in the master plan.
3. *Enterprise-1 (E-1)*. This sub-district provides lands for employment and business uses, including office, research and development, bio-technology and high tech manufacturing and sales, light and heavy industrial, maritime, community serving and destination retail, and similar and compatible uses. Development standards are intended to create a pedestrian, bicycle, and transit supportive urban environment and ensure high quality, well designed buildings within walking distance of services, restaurants, public waterfront open spaces, and residential areas. Use standards are intended to encourage and facilitate job growth and limit intrusion of uses that would limit or constrain future use of these lands for productive and successful employment and business use.
4. *Enterprise-2 (E-2)*. The E-2 sub-district serves the same purposes as the E-1 Sub-district, but uses in the E-2 area are restricted to uses that are compatible with the Waterfront Town Center.
5. *Enterprise-3 (E-3)*. The E-3 sub-district encompasses a one hundred (100') foot wide band of land that fronts onto Main Street and the adjacent neighborhood. Main Street fronting residential use is conditionally permitted in this sub-district to create a more seamless integration between the enterprise sub-district and the existing Main Street neighborhood.
6. *Enterprise-4 (E-4)*. The E-4 sub-district is restricted to maritime uses consistent with the Public Trust Exchange Agreement. Residential and other non-maritime oriented uses are prohibited.
7. *Adaptive Reuse (AR)*. This sub-district provides lands for employment and business uses, including office, research and development, bio-technology and high tech manufacturing and sales, light and heavy industrial, maritime, commercial, community serving and destination retail, and other uses that support reinvestment in the existing buildings and infrastructure within the NAS Alameda Historic District and residential uses are conditionally permitted in two former residential buildings. Development standards are intended to create a pedestrian, bicycle, and transit supportive urban environment that is compatible with the character-defining features of the NAS Alameda Historic District. Use standards are intended to provide a wide range of investment opportunities within the district to encourage private reinvestment in the NAS Alameda Historic District.
8. *Open Space (OS)*. This sub-district provides lands for parks, recreation, trails, and large-scale public assembly and event areas consistent with the Public Trust Exchange Agreement. Development standards are intended to support maximum public access, use and enjoyment of these lands, and the protection of natural habitat and wildlife. Use standards are intended to allow for a variety of public open space and compatible uses, such as museums, concessions and parking areas necessary for public use of these lands, in a manner that ensures the protection of the natural environment. Residential, office, and non-visitor serving or non-maritime oriented commercial uses are not permitted in this sub-district.
9. *Nature Reserve/Government (NR/G)*. This sub-district provides lands for wildlife habitat. Use of this area should preserve and protect the natural habitat in this area to the fullest extent possible, compatible with the protection of endangered species and other wildlife and plant life that may inhabit, make use of, or be permanently established within this area. Uses include seasonal public access, on-going management and monitoring and

activities related to education and research consistent with federal requirements. Pursuant to Section 30-4.17, the G, Special Government Combining District Government Combining District applies to this property because the land is owned by the U.S. Government.

- d. *Site Planning and Building Design Requirements.* This section provides regulations for the placement of buildings and improvements to land. Planned development and design review applications shall be reviewed for consistency with these regulations. Requirements for the Waterfront Town Center and the Main Street Neighborhood sub-districts shall be included in the required Waterfront Town Center and Main Street Neighborhood Master Plans.
 1. *Building Orientation.* All new buildings shall be oriented toward the main 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.
 2. *Pedestrian Orientation.* To support the pedestrian environment and de-emphasize the automobile:
 - (a) Surface parking lots or parking structures shall be minimized in size and placed behind or beside the building. Parking lots shall not be placed between buildings and streets. When placed adjacent to a building, the lot shall provide a landscaped twenty-five (25') foot setback from the public right-of-way.
 - (b) Drive through lanes are prohibited.
 - (c) Site improvements shall include bicycle racks, pedestrian pathways through parking areas, pedestrian lighting, and sidewalks and street trees on all streets adjacent to the property.
 - (d) Public and commercial service facilities such as automated teller machines shall be conveniently located adjacent to the pedestrian public right-of-way.
 - (e) Ground floor windows adjacent to the public pedestrian right-of-way shall provide an unobstructed view into the building for a distance of at least five feet to animate the pedestrian experience.
 3. *Front Setback.* New buildings shall be aligned with the front setback of buildings on the block to maintain a consistent setback and "street wall" along the block and maintain the character of the sub-district. In cases where a consistent "street wall" of buildings does not exist, the following standards should govern:
 - (a) In the adaptive reuse sub-district, the building front setback should be consistent with the setback of the other NAS Alameda Historic District contributing buildings on the block or the adjacent blocks to maintain the character defining features of the NAS Alameda Historic District. A smaller front yard setback may be approved if it can be found that the smaller setback supports a more pedestrian-oriented site plan.
 - (b) In the enterprise sub-districts, new buildings should be placed as close to the front property line as possible to facilitate pedestrian access. A setback of up to twenty (20') feet may be approved if it can be found that the setback is necessary and appropriate to create a pleasing landscaped buffer between a building over thirty (30') feet in height and the public right-of-way or a public park.
 - (c) In the open space sub-district, new buildings should be placed in a manner that maximizes and supports the open space and recreational uses of the sub-district.
 4. *Rear Setback.* No rear setback is required, except where:
 - (a) The building abuts a residential use or a public open space, a twenty (20') foot rear setback shall be provided and the height of the rear of the building shall be designed to provide an adequate transition between the height of the building and the adjacent residential building.
 - (b) The rear of the building faces a public street or public open space, the rear of the building shall be aligned with the rear or front setback of the existing buildings on the abutting parcels to maintain a consistent "street wall" and the character of the sub-district.
 5. *Side Setback.* No side yard setback shall be required in the enterprise or adaptive reuse sub-districts, except

where:

- (a) Where the parcel or site abuts a public open space or residential use, a twenty (20') foot side yard setback shall be provided and the height of the rear of the building shall be designed to provide an adequate transition between the height of the building and the adjacent residential building.
 - (b) The side yard abuts a public street, the side yard setback shall be sufficient to align the building with the front setback of the adjacent buildings.
 - (c) In the adaptive reuse sub-district, the side street facing setback should be consistent with adjacent contributing NAS Alameda Historic District structures on the side street, unless a finding can be made that the proposed setback is consistent with the character defining features of the NAS Alameda Historic District.
 - (d) In the open space sub-district, new buildings should be placed in a manner that maximizes and supports the open space and recreational uses of the sub-district.
6. *Setback Landscaping.* In cases where a front or side yard setback that faces a public street or public open space is provided, that setback area shall be landscaped or improved for public use. In the adaptive reuse sub-district, the landscape plan shall be consistent with the Cultural Landscape Guidelines. To protect the endangered species, no landscape materials may be planted in the open space sub-district lands located west of Saratoga Street that are capable of growing over twenty (20') feet in height.
7. *NAS Alameda Historic District.* Within the NAS Alameda Historic District areas within the adaptive reuse sub-district, new building design and architectural detailing shall be compatible with adjacent structures and complement the historic character of the NAS Alameda Historic District.
- e. *Building Height Requirements.*
1. *Adaptive Reuse Sub-district.* The maximum building height in the adaptive reuse sub-district shall be determined by the height of the adjacent NAS Alameda Historic District contributor buildings. In cases where the adjacent buildings differ in height, the tallest adjacent contributing building shall be the determining building height. The height of the new building shall not exceed the height of the adjacent contributor buildings. In the area west of Monarch Street, all new buildings and additions to existing buildings shall be reviewed for consistency with the special building height and placement requirements set forth in the Declaration.
 2. *E-1 and E-4 Sub-districts.* The maximum permitted height for any building shall be one hundred (100') feet, except that any building proposed within one hundred (100') feet of the Encinal High School property shall be limited to thirty-five (35') feet in height and any building or portion of building within 100 feet of the West Hornet Avenue right-of-way shall not exceed 40 feet in height.
 3. *E-2 Sub-district.* The maximum permitted height for any new building shall be seventy-five (75') feet.
 4. *E-3 Sub-district.* The maximum permitted height for any new building shall be thirty-five (35') feet.
 5. *Open Space Sub-district.* Consistent with the declaration, the maximum permitted height for any new building in this sub-district on lands west of Saratoga Street shall be twenty (20') feet. New buildings proposed on open space sub-district lands east of Saratoga Street may exceed the twenty (20') foot height limit, if necessary, to accommodate a desired use with approval of a conditional use permit.
- f. *Building Types and Building Frontage Design.*

Table A: Building Form and Site Design Standards identifies the building types and frontage types permitted (P), conditionally permitted (C), or not permitted (-), within each sub-district. Standards for the Waterfront Town Center and the Main Street Neighborhood shall be included in the required Waterfront Town Center and Main Street Neighborhood Master Plan.

Table A—Building Type and Frontage Types^(a)

	E-1	E-2	E-3	E-4	AR	OS
Building Type						
Commercial block	P	P	P	P	P	—
Workplace	P	—	P	P	P	P
Parking structure	P	P	—	P	P	—
Work-live	—	—	C	—	P	—
Stacked flat	—	—	C	—	—	—
Multiplex	—	—	C	—	—	—
Row house	—	—	C	—	—	—
Courtyard housing	—	—	C	—	—	—
Single family detached	—	—	C	—	—	—
Carriage house	—	—	C	—	—	—
Adaptive reuse of existing buildings	P	P	P	P	P	P
Frontage Type						
Storefront	P	P	P	P	P	—
Formal Entry	P	P	P	P	P	P
Forecourt	P	P	P	P	P	P
Stoop	—	—	P	—	—	—

^(a) For definitions and descriptions of building types refer to the Citywide Design Review Manual.

g. Use and Parking Regulations.

1. *Use Regulations Table.* Table B indicates the land uses that are permitted "by right" (P), by conditional use permit (C), or not permitted (-), within each sub-district. Conditional use permits may be granted pursuant to the procedures and standards of Sections 30-21.3 and 30-21.4. Off-street parking regulations (as defined below) are

included in Table B for each land use.

2. *Waterfront Town Center and Main Street Neighborhood Sub-district Uses.* Permitted and conditionally permitted uses in the Waterfront Town Center and the Main Street Neighborhood shall be included in the required Waterfront Town Center and Main Street Neighborhood Master Plans. Interim uses proposed in the Main Street Neighborhood and Waterfront Town Center sub-districts prior to adoption of a Master Plan for the area shall be consistent with Table B.
3. *Open Space Sub-district Uses.* Uses proposed in the open space sub-district shall be consistent with Section 30-4.19 Open Space District, provided that all use of these public lands shall require approval of a conditional use permit and be reviewed for consistency with the Public Trust Exchange Agreement.
4. *Similar and Accessory Uses.* 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 conditionally permitted 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. 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 conditional 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.
5. *Work/Live Uses.* Work/live uses shall be consistent with Section 30-15, except that in the Alameda Point Zoning District, work/live units may be allowed in new buildings consistent with the work/live type described in the Design Review Manual. Projects that are eligible for density bonus waivers pursuant to Section 30-17 may include work/live that are not consistent with the requirements of Section 30-15.
6. *Multi-family Housing.* Proposals to construct multi-family housing or adaptively reuse a non-residential building for multi-family housing shall be accompanied by an application for a density bonus and a waiver of the multifamily prohibition in AMC 30-53. Within the adaptive reuse sub-district, multi-family residential use may be conditionally approved with a density bonus application and waiver only in contributing structures Buildings 2, 4, and 17.
7. *Outdoor Operations and Activities.* Any use that is normally conducted within a building and permitted by the zoning may be permitted outdoors with approval of a conditional use permit.
8. *Adaptive Reuse Sub-district between Saratoga and Lexington Streets.* All use of these lands and existing buildings shall be reviewed for consistency with the Public Trust Exchange Agreement.
9. *Fireworks, Aircraft, and Feeding Stations.* To protect the California least tern endangered species, fireworks displays and the operation of aircraft shall not be permitted between April 1 and August 15. Feral cat feeding stations and colonies, and the feeding of any native and non-native wildlife species that are potentially predators of least terns are prohibited.
10. *Interim Uses.* Use permits may be issued for interim uses that may not be permitted or conditionally permitted as set out in Table B, provided that interim use permits provide opportunities for short-term uses and activities for a defined period of time, not to exceed five (5) years that are not intended to be permanent uses but are transitional in nature, generally allowing for emergency situations, construction and remediation activities, or the cultivation and establishment of small, low-overhead businesses and their eventual relocation into permanent structures.

11. *Table B: Allowed Land Uses and Off-Street Parking Requirements.***Residential, Open Space and Lodging**

Use	Sub-district							Parking
	E-1	E-2	E-3	E-4	AR	WTC	MS	Reserved
Dwelling unit (multifamily)	—	—	C	—	C	P	(d)	1.5 (a)
Dwelling unit (single family)	—	—	C	—	—	—	P	(d)
Bed and breakfast	—	—	C	—	P	P	P	0.75 (b)
Hotels	—	P	—	—	P	C	C	0.75 (b)
Community garden	—	—	P	—	P	P	P	(c)
Parks/playgrounds/sports fields	C	C	C	—	P	P	P	(c)
Trailheads, trails, and comfort stations	P	P	P	P	P	P	P	(c)
Artist studio	C	C	C	—	P	P	P	0.30
Work/live	—	C	C	—	C	C	C	1.00 (a)

(a) Spaces per unit.

(b) Spaces per room.

(c) Spaces allowed determined by parking demand study.

(d) To be determined by the Main Street Neighborhood Master Plan.

Commercial and Retail

Use	Sub-district							Parking
	E-1	E-2	E-3	E-4	AR	WTC	MS	Reserved
Office	P	P	P	C	P	P	P	2.65

Large format retail	C	C	—	—	C	C	C	3.40
Retail	P	P	C	—	P	P	C	3.40
Retail, catalog and mail order	P	P	C	—	P	C	—	2.00
Retail, plant nursery	C	C	C	—	P	C	C	2.00
Grocery	—	C	—	—	C	P	P	3.40
Convenience stores	P	P	C	—	P	P	C	3.40
Art gallery	—	C	P	—	P	P	P	0.50
Café	P	P	C	—	P	P	C	6.90
Catering services	C	C	C	—	P	C	C	2.00
Restaurant	C	C	C	C	P	P	C	6.90
Bars/tavern	—	—	—	—	C	C	C	6.90
Banks and financial services	C	C	C	C	P	P	—	2.65
Repair business (consumer products)	C	C	C	C	P	P	C	2.00
Personal Ssrices	C	C	C	C	—	P	C	2.00
Liquor store	—	—	—	—	—	C	—	2.00
Urban farm	C	C	C	—	C	C	P	(c)

Education and Assembly

Use	Sub-district							Parking
	E-1	E-2	E-3	E-4	AR	WTC	MS	Reserved

Animal shelter	C	C	—	—	P	—	—	2.00
Clubs, halls, centers	—	C	C	—	P	P	C	6.90
Conference center	—	C	—	—	P	P	P	6.90
Library	—	C	C	—	P	P	P	1.00
Museum	C	C	C	C	P	P	C	1.00
Theater/entertainment	C	C	C	—	P	P	C	(c)
Multiple screen theatre	—	—	—	—	—	—	—	—
Religious assembly	—	C	P	—	P	C	P	6.00
Health and fitness facilities	C	C	P	—	P	P	P	2.00
Hospitals	C	C	—	—	P	C	—	2.50
Health clinic	—	C	C	—	P	P	P	2.50
Veterinary clinic	C	C	C	—	P	C	C	2.00
Government facilities and offices	P	P	P	—	P	P	C	2.00
Post office	C	C	C	—	P	P	P	3.40
Funeral home	—	C	—	—	C	C	—	2.00
Teaching studios (art, dance, fitness, music)	C	C	C	—	P	P	P	1.50
College/vocational school	C	P	—	C	P	C	C	(c)
Schools	—	—	C	—	P	C	P	(c)
Emergency shelter	C	C	—	—	C	C	C	(c)

Child care	C	C	C	—	P	P	P	1.25
Family day care with 7 or more children	—	—	C	—	P	P	P	(e)
Family day care with 6 or fewer	—	—	C	C	P	P	P	(e)

(e) Same as dwelling unit.

Transportation Services

Use	Sub-district							Parking
	E-1	E-2	E-3	E-4	AR	WTC	MS	Reserved
Transit station/ferry terminal	P	P	P	C	P	P	P	(c)
Car or bike sharing facility	P	P	P	P	P	P	P	(c)
Automobile, sales, rental and leasing	C	C	—	—	P	C	—	1.25
Automobile service/repair	C	C	—	—	C	—	—	2.00
Gas station	C	C	—	—	—	C	—	2.00
Parking, garage or surface lot	C	C	C	C	C	C	C	N/A
Bus shed/maintenance facility	C	C	—	—	P	—	—	2.00

Marine

Use	Sub-district							Parking
	E-1	E-2	E-3	E-4	AR	WTC	MS	Reserved
Marine research	P	P	C	P	P	P	—	1.75
Maritime workplace	P	P	C	P	P	P	C	2.00
Maritime wholesaling	P	P	—	P	P	C	—	3.40
Boat sales and repair, fuel sales	P	C	—	P	P	C	—	1.50
Maritime concessions	—	C	—	P	P	C	—	1.00
Boating clubs or schools	—	C	—	P	P	P	—	1.00
Commercial marina	—	—	—	P	C	C	—	0.40
Dry boat storage (outdoor)	C	—	—	P	C	—	—	0.40

Industrial

Use	Sub-district							Parking
	E-1	E-2	E-3	E-4	AR	WTC	MS	Reserved
Building materials storage/contractor yards	C	—	—	—	C	—	—	0.40
Food and beverage manufacturing	P	C	C	—	P	C	—	0.65
Industrial, light	P	C	—	P	P	C	—	0.65

Industrial, heavy	C	—	—	P	C	—	—	0.65
Industrial arts	C	C	C	C	P	C	—	0.65
Utilities—Large	C	C	C	C	C	C	—	0.50
Utilities—Small	P	P	C	P	P	P	P	0.50
Printing and publishing	P	P	C	—	P	C	—	0.50
Specialty trade contractors and businesses	P	C	C	C	C	C	C	0.50
Storage, outdoor	C	C	—	C	C	C	—	0.40
Storage, indoor	P	P	C	P	P	C	—	0.40
Wholesaling and distribution	C	C	—	C	P	C	—	0.50

12. *Transit Oriented Development Parking Regulations.* The off-street parking ratios in Table B and the following parking requirements are intended to:
- (a) Supplement the supply of shared public parking at Alameda Point that is shared and priced to support the Transportation Demand Management Program trip reduction goals;
 - (b) Limit the supply of privately controlled off-street parking spaces; and
 - (c) Support a walkable, bicycle-friendly, and transit-oriented community.
13. *Off-Street Parking and Loading Regulations.* Applications for the reuse and/or redevelopment of land at Alameda Point shall be reviewed for conformance with the provisions of AMC Section 30-7, Off-Street Parking and Loading and the provisions of this section, including Table (B) When the content of this section conflicts with the AMC, this section shall govern. In Table B, all requirements are enumerated in spaces per one thousand (1,000) square feet of gross building floor area unless otherwise noted.
14. *Reserved Parking.* The reserved parking ratios presented in Table B represent the maximum number of off-street parking spaces that may be provided on the subject site for the private use of site occupants and visitors. There are no minimum off-street parking requirements.
15. *Exceeding Reserved Parking Ratio.* The maximum reserved parking allowed may be exceeded only upon issuance of a use permit from the Planning Board, if the Board is able to make, all of the following determinations:
- (a) Reasonable parking and transportation demand management measures are being implemented to reduce the need for the additional off street parking;

- (b) The additional parking demand cannot reasonably be accommodated through contract or other arrangements for parking or reciprocal parking agreements making use of other available off-site parking;
- (c) The additional spaces reflect parking demand that exceeds that which is common for this use as categorized in Table B, owing to unique characteristics of the users or the activity that result in a high level of automobile parking demand; and
- (d) The additional parking will enable or facilitate positive environmental or other benefits which outweigh adverse effects, such as additional traffic and congestion, danger to public safety or deterioration of travel conditions for pedestrians, cyclists or users of public transit.

In its decision the Planning Board shall cite evidence supporting its determinations, and may impose such conditions as are necessary to mitigate all negative impacts on the neighborhood and the environment which would otherwise result from the increased amount of parking.

16. *Unbundled Parking.* The following rules shall apply to the sale or rental of parking spaces in new multi-unit residential buildings of ten (10) units or more:

- (a) All off-street parking spaces shall be leased or sold separately from the rental or purchase fees for the individual units for the life of the units, such that potential renters or buyers have the option of renting or buying a unit at a price lower than would be the case if there were a single price for both the unit and the parking space(s).
- (b) In cases where there are fewer parking spaces than units, the parking spaces shall be offered to the potential buyers or renters of the largest units first.
- (c) Potential buyers and renters of affordable residential units have an equal opportunity to buy or rent a parking spaces on the same terms and conditions as offered to the potential buyers and renters of market rate units, at a price proportional to the sale or rental price of their units as compared to comparable market rate units. This stipulation shall be included in any agreement recorded between the City and the developer pertaining to the affordable housing units.
- (d) Parking spaces shall be offered only to residents and tenants served by the off-street parking, except that any surplus space may be rented out to non-residents or non-tenants with the provision that such spaces must be vacated on thirty (30) day notice if they become needed by tenants or residents.
- (e) Affordable units which include financing requirements that conflict with these provisions may be granted an exception from these provisions by the Community Development Director or Planning Board.

17. *Open Space Sub-district Parking Requirements.* Parking requirements for use of open space sub-district lands shall be determined within the context of the conditional use permit process for the proposed use.

(Ord. No. 3088 N.S., § 2, 2-18-2014; Ord. No. 3168, § 2, 11-15-2016; Ord. No. 3278 N.S., § 3, 5-5-2020)

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)
Building Types (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
Frontage Types (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
Building width (max.)	200 ft.	200 ft.	160 ft.	52 ft.	52 ft.
Building Placement					

Front setback	0 max.	0 min.	0 min.	10 min. - 30 max.	15 min. - 20 max.
Side street setback	0—15	0—20	0—20	10	10
Side setback	0	N/A	0	5	5
Rear setback	0	0	0	20	20
Alley setback (min.)	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.

ii. *Additional Building Form and Site Design Requirements to Support Alternative Modes of Transportation.*

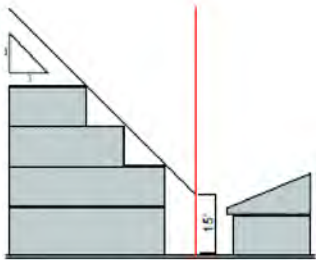
- a. *Site Plans.* Site plans shall encourage and support pedestrian, bicycle, and transit access by including facilities such as bicycle racks, pedestrian pathways through parking areas, pedestrian lighting, sidewalks, and street trees.
- b. *Building Orientation.* All new buildings shall be oriented 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.

iii. *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.
- iv. *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.
- v. *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 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.



- vi. *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. 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.
- vii. *Maximum Residential Density.* 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.
- viii. *Residential Open Space Requirements.* Usable open space 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.

e. *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."

Table B: Allowed Land Uses

Residential, Open Space, and Lodging

Use	Gateway	Maritime Manufacturing	Workplace	Mixed Use	Residential
Dwelling unit upper floor	P	-	C	P	P
Dwelling unit ground floor	-	-	-	P	P
Shared living	P	-	-	-	-
Bed and breakfast	-	-	C	P	C
Hotels	P	-	C	-	-
Community Garden	-	-	C	P	P
Parks/playground	-	-	-	P	P

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	-
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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	-	-	C	P	P
Family day care, large			C	P	C

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 Manufacturing	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 Manufacturing	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	-	-
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- 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.
- 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 that are not consistent with the requirements of Section 30-15.

(Ord. No. 3072 N.S., § 3, 5-7-2013; Ord. No. 3111 N.S., § 7, 10-7-2014; Ord. No. 3162 N.S., § 1, 10-4-2016)

(Ord. No. 3183 N.S., § 5, 7-5-2017; Ord. No. 3278 N.S., § 3, 5-5-2020)

30-5 - GENERAL PROVISIONS AND EXCEPTIONS.

30-5.1 - General.

The regulations specified in this article shall be subject to the following general provisions and exceptions.

(Ord. No. 535 N.S. § 11-14A1; Ord. No. 1277 N.S.)

30-5.2 - Rules Governing Use of Zoning Map(s) and Symbols.

Where uncertainty exists as to the boundaries of any district shown on the zoning map(s), the following rules shall apply:

- a. Where such boundaries are indicated as approximately following property, street or alley lines, such lines shall be construed to be such boundaries.
- b. In unsubdivided property, and where a district boundary divides a lot, the location of such boundary, unless the

same is indicated by dimensions, shall be determined by use of the scale appearing on the zoning map(s).

- c. A symbol indicating the classification of property on the zoning map(s) shall in each instance apply to the whole of the area within the district boundaries.
- d. Where a public street, alley or parcel of land is officially vacated or abandoned, the regulations applicable to abutting property shall apply equally to such vacant or abandoned street or alley.

(Ord. No. 535 N.S. § 11-14A2; Ord. No. 1277 N.S.)

30-5.3 - Regulations are Minimum.

In interpreting and applying the provisions of this article, unless otherwise stated, they shall be held to be the minimum requirements for the promotion and protection of the public safety, health and general welfare.

(Ord. No. 535 N.S. § 11-14A3; Ord. No. 1277 N.S.)

30-5.4 - Relationship to Other Regulations to and to Private Restrictions.

- a. Where conflict occurs between the regulations of this article and any Building Code or other regulations effective within the City, the more restrictive of any such regulations shall apply.
- b. It is not intended that this article shall interfere with or abrogate or annul any easement, covenants or other agreements now in effect; provided, however, that where this article imposes a greater restriction than is imposed or required by other ordinances, rules or regulations, or by easements, covenants or agreements, the provisions of this article shall apply.

(Ord. No. 535 N.S. § 11-14A4; Ord. No. 1277 N. S.)

30-5.5 - Additional Uses Permitted.

The following accessory uses, in addition to those hereinbefore mentioned, shall be permitted:

- a. The renting of rooms and/or the providing of table board for not more than three (3) paying guests in a single family dwelling structure.
- b. The operation of necessary service facilities and equipment in connection with hotels and schools, colleges, and other institutions when located on the site of the principal use.
- c. Recreation, refreshment and service buildings in public parks, playgrounds and golf courses.

(Ord. No. 535 N.S. § 11-14A5; Ord. No. 1277 N.S.; Ord. No. 2377 N.S.)

30-5.6 - Building Site, Areas and Easements.

- a. Any interior lot of record existing prior to the effective date of this article, August 1, 1958, shall be considered a legal building site regardless of area, and may be used as such, subject to all applicable regulations of this article; provided, however, that any such interior lot of record having less lot area than required by this article shall be subject to the following yard setback provisions:
 - 1. Front Yard. The front yard of a lot less than one hundred (100') feet deep shall be equal to the average of the setback of the adjoining properties having the same frontage. In computing the above average, any adjoining setback greater than twenty (20') feet shall be considered as twenty (20') feet; provided, further, that in the absence of a building on an adjoining property, such property shall be assumed to have a setback of twenty (20') feet.

2. Side Yard. For any lot less than fifty (50') feet in width each side yard shall be a minimum of five (5') feet in width.
 3. Rear Yard. For a lot less than one hundred (100') feet in depth, the rear yard shall be twenty (20%) percent of the average lot depth, but in no case shall it be less than twelve (12') feet.
- b. Any corner lot of record existing prior to the effective date of this article, August 1, 1958, shall be considered a legal building site regardless of area, and may be used as such subject to all applicable regulations of this article; provided, however, that any such corner lot of record having less lot area than required by this article shall be subject to the following yard setback provisions:
1. Front Yard. As regulated in paragraph a. 1. except that on the side street side the setback shall be assumed to be twenty (20') feet.
 2. Side Yard. As regulated in paragraph a. 2. except that the side yard on the street side shall be not less than ten (10') feet.
 3. Rear Yard. As regulated in paragraph a. 3.
- c. Any lot, other than a lot of record, which does not meet the area and frontage requirements of its zone shall not be considered a legal building site unless either a variance to the area and/or frontage requirements for lots in the zone in which it is located has been approved or a planned development applicable to the lot has been approved. Lots not meeting the requirements of a building site by virtue of exceptions to the subdivision regulations of the City approved prior to the enactment of this subsection shall be deemed to have received variance approval.
- d. Adjustments to minimum rear yard requirements for certain waterfront parcels. The following adjustments to the minimum required rear yards otherwise prescribed by the subject zoning district (i.e. the minimum required setback from the rear property line) apply to parcels which are either immediately adjacent to, or adjacent to interceding public tidal lands (i.e. "public trust lands") which are immediately adjacent to, the Tidal Canal, San Leandro Bay or San Francisco Bay:
1. Additional setback requirements for parcels immediately adjacent to water. For parcels where the rear property line is either: a) at the same elevation as the higher high water line, or b) is at a lower elevation than the higher high water line (i.e. the rear property line is submerged), the minimum required rear setback shall be measured from the higher high water line as if it were the rear property line.
 2. Special adjustments to setback requirements for parcels adjacent to those interceding public lands which do not have public access. For parcels with interceding public lands between the parcel's rear property line and the higher high water line (such as public tidal lands owned and/or managed by federal, state or local agencies which do not have public access, but portions of which may be leased to owners of adjacent parcels for public use), the minimum required rear setback shall be measured from the higher high water line (which falls within the interceding property) as if it were the rear property line of the subject parcel, thereby reducing the minimum required rear setback from that prescribed by the subject zoning district. However, in no case shall the subject parcel have a rear setback from the actual rear property line of less than three (3') feet. The above adjustment to minimum rear setback requirements does not apply to parcels adjacent to public or private waterfront lands which have been improved as parklands, trail easements, or similar amenities.
 3. Exceptions to setback requirements for waterfront lots may be granted. Notwithstanding the minimum rear yard requirements of the subject zoning district, exceptions to the rear setback requirements prescribed for waterfronts regulated by this subsection (paragraphs 1. and 2. above), may be approved subject to the notification and approval process for improvements requiring Major Design Review, as outlined in Section 30-27, Design Review Requirements. Exceptions to reduce the minimum required rear setback, but not to less than

three (3') feet from the actual rear property line, may be granted with Major Design Review approval, with the additional and specific finding that the proposed encroachment into the setback otherwise required by this subsection will not substantially impair the adjoining neighbors' views of the water and hillsides beyond.

4. Exemptions for Piers and Floating Docks. Notwithstanding the minimum rear yard requirements of the subject zoning district and the specific setback requirements of this subsection, piers and floating docks are exempt from such minimum yard and setback requirements, and may be built up to and across the property line of adjacent public tidal lands, provided all permit requirements of the A.B.C., A.M.C., and applicable governmental agencies (e.g. B.C.D.C.) are met.

(Ord. No. 535 N.S. § 11-14A6; Ord. No. 1277 N.S.; Ord. No. 1371 N.S.; Ord. No. 1729 N.S.; Ord. No. 2428 N.S. § 12; Ord. No. 2920 N.S. § 11)

30-5.7 - Projections from Buildings and Roof Planes, Permitted Encroachments and Treatments of Minimum Required Yards.

- a. *Minimum Required Front Yards, and Street Side Yards On Corner Lots, Shall be Landscaped.* Excepting walkways, and driveways and staircases as permitted by this Article, minimum required front yards, and street side yards on corner lots, within residential zones, and for residential uses in non- residential zones may not be paved and shall be used exclusively for landscaping.
- b. *Architectural Features.* Canopies, eaves, cornices, sills, beltcourses, fireplaces, galleries, sunshades and similar architectural features, but not including any wall or window surface, may extend into any required yard a distance not exceeding two (2') feet; however in no case shall such features have a setback of less than three (3') feet from the property line.
 1. Special Exemptions for Eaves. An exemption to allow a building eave with a setback of less than three (3') feet from a property line may be granted by the Planning and Building Director concurrently with, and subject to the required finding for, the approval of a residential addition with less than the required minimum side yard as permitted by subsection k., and subject to the approval of the Building Official.
- c. *Decks.* Decks, and similar features such as uncovered porches and cantilevered balconies shall conform to the standards as prescribed below:
 1. Measurement of Height.
 - (a) The height of each level of a deck shall be calculated separately and the required setback that correlates with the height of each level shall be applied to the portion of the deck at that level.
 - (b) On sites with a slope of ten (10%) percent or greater deck heights may be averaged and setbacks calculated based on the average height of numerous points. In such cases, any configuration of terraces or levels may be approved that provides for privacy for adjoining properties, lack of impacts from shading of adjoining properties, and safety without precisely meeting the setback requirements of this subsection.
 2. Setback Requirements.
 - (a) Decks of up to, and including, twelve (12") inches in height may encroach into any required side and rear yard.
 - (b) Decks over twelve (12") inches to not more than thirty (30") inches in height may encroach into any required side and rear yard, but shall maintain a minimum setback of three (3') feet from the side and rear property lines.
 - (c) No deck that exceeds thirty (30") inches in height at any point shall be permitted to encroach into a required yard area.

3. Privacy Screening Requirement for Decks Exceeding Thirty (30') Inches in Height. Notwithstanding safety railing requirements prescribed by the A.B.C., and the limitations on barrier height prescribed in Section 30-5.14, decks above thirty (30') height, and all roof decks may be required as a condition of Design Review approval to provide privacy screening and/or landscaping of sufficient height deemed sufficient to provide adequate screening, to mitigate potential privacy. At no time, however, shall the top elevation of any railing or privacy screen for such decks exceed the building height of the subject zone.
 4. Decks and Conformance to Maximum Building Coverage. Decks above thirty (30') inches in height and in excess of two hundred (200) square feet in size shall be considered as part of the building coverage requirements. Decks subject to coverage requirements shall be calculated at fifty percent (50%) of their area in excess of two hundred (200) square feet.
 5. Exceptions to Setback Requirements for Small Decks. Decks which are less than fifty (50) square feet, have no exterior access and are cantilevered or supported from the structure may be allowed to extend three (3') feet into the required front, rear or street-side yard; however, in no case shall such a deck have a setback of less than three (3') feet from any property line. Such decks shall not project more than six (6') feet from the supporting wall to its furthest outward extension.
- d. *Window and Roof Projections.*
1. Window Projections. Bay, garden and greenhouse windows, and similar features that increase either floor area or enclosed space, may extend three (3') feet into any required front, rear, side or street-side yard, however in no case shall such features have a setback of less than three (3') feet from a property line, and are subject to the following regulations and the regulations in paragraph (3), below: Bay windows shall not encroach into yard areas at any other level than the story on which the window openings or glazings are located except that ornamental brackets or canopies may be required and approved through Design Review.
 2. Roof Projections. Dormers may project from the roof plane, however in no case shall such features have a setback of less than three (3') feet from the property line or exceed the building height limit of the subject zone, and are subject to the regulations in paragraph (3), below:
 3. Minimum Separation Spacing and Size Limitations for Projections. Encroaching window projections, and all roof projections, are subject to the following dimensional requirements:
 - (a) The maximum length of each projection shall be ten (10') feet and the minimum horizontal separation between projections shall be five (5') feet.
 - (b) Such features shall not extend horizontally across more than one-half (½) of the linear wall or roof surface to which they are affixed.
- e. *Stairs and Landings.*
1. General Exception. Uncovered stairs and landings may encroach into any required front and rear yard a distance not exceeding six (6') feet (i.e. for the placement of stairs and landings, the minimum required front and rear setback is reduced from twenty (20') feet to fourteen (14') feet); and into any required side yard and minimum required street side yard a distance not exceeding one-half (½) the width of the required side yard or three (3') feet, whichever is less.
 2. Special Exception for Historic Structures. A reconstructed staircase that is to be attached to the facade of an historical structure as defined in Section 30-2, may encroach into the minimum required front yard a distance not to exceed seventeen (17') feet (i.e. for the placement of reconstructed stairs and landings on historic structures, the minimum required front setback is reduced from twenty (20') feet to three (3') feet) providing that

the design of such staircase conforms to the original historic design, allowing for minor modification to accommodate requirements mandated by the A.B.C., or alterations in the finished floor elevation, subject to the approval of the Planning and Building Director and Building Official.

- f. *Accessory Buildings.* Accessory buildings may be located within minimum required side and rear yards, and shall conform to the following:
1. *Height Limits.* Accessory buildings shall not exceed one (1) story, and shall not exceed a height of ten (10') feet at the top of a parapet or at the point where the side elevation intersects with the roof, with the following exceptions:
 - (a) The height at the ridge of the roof may exceed the above height limitation, up to a maximum height of fifteen (15') feet.
 - (b) The front and rear elevations may exceed the ten (10') foot height limit up to the fifteen (15') foot height at the ridge of the roof; however, in no case shall the fifteen (15') foot ridge height be extended along the entire front or rear elevation.
 - (c) The height at the top of the front or rear elevation's parapet may exceed the above height limitation, up to a maximum height of twelve (12') feet.
 2. *Maximum Rear Yard Coverage.* Accessory buildings shall not cover more than four hundred (400) square feet or forty (40%) percent of the minimum required rear yard as prescribed by the subject Zoning District, whichever is greater. That portion of an accessory building which is outside the minimum required rear yard is subject to maximum main building coverage limitations of the subject zone.
 3. *Minimum Setbacks from Side Property Lines.* If located less than seventy-five (75') feet from the front property line, the accessory building shall observe a five (5') foot side yard setback. If the accessory building is to be located seventy-five (75') feet, or more, from the front property line, it may be built up to the interior side property line(s), provided that all construction within three (3') feet of the property line (including eaves and similar architectural features) is one (1) hour fire resistive as required by the A.B.C., as approved by the Building Official.
 4. *Minimum Setback from Rear Property Line.* If located within that portion of the minimum required rear yard that adjoins the neighbors' required minimum rear yard(s), the accessory building may be built up to the rear property line, provided that all construction within three (3') feet of the property line (including eaves and similar architectural features) is one (1) hour fire resistive as required by the A.B.C., as approved by the Building Official. If the proposed accessory building is to be located within that portion of the minimum required rear yard that does not adjoin the neighbors' required minimum rear yard(s) (i.e., adjacent to that part of the neighbor's side property line not within his/her minimum required rear yard), a minimum five (5') foot setback from the rear property line shall be maintained.
 5. *Minimum Separation from Neighboring Structures.* There shall be a minimum of six (6') feet separating all construction (including eaves and similar architectural features) of the accessory building(s) from the main building(s) or other accessory building(s). The separation requirements of this paragraph may be reduced by the Community Development Director and Building Official if one (1) hour fire resistive construction is utilized and/or occupancy classification of the subject buildings allow for a lesser separation, as specified by the A.B.C.
 6. *Reconstruction of Legally Nonconforming Buildings.* Notwithstanding the limitations prescribed by Section 30-20, Nonconforming Buildings and Uses, legally nonconforming accessory building(s) with conforming residential uses in residential zoning districts may be reconstructed, with an equal or lesser nonconformity to the size, and location requirements of this subsection (i.e., paragraphs 2. through 4.), subject to the approval process for

improvements, as outlined in Section 30-37, Design Review Regulations, and allowing for modifications to the height and/or roof configuration, provided that the resulting design does not exceed the height limitation prescribed by paragraph 1. of this subsection. Such reconstruction may occur as part of any duly permitted project to repair, remodel or replace the existing nonconforming structure.

7. Accessory buildings shall not include a kitchen unless the accessory building is an accessory dwelling unit per the requirements of Section 30-5.18, or the kitchen is approved with a use permit for a home occupation on a residential lot.
- g. *Patio Structures*. Patio structures attached to or detached from a main or accessory building may encroach into any minimum required side yard or rear yard. But shall:
 1. Not exceed a maximum height of twelve (12') feet, as measured from grade. A detached patio structure, if not located within a minimum required yard, may be permitted to a height not to exceed fifteen (15') feet, subject to approval of the Planning and Building Director and Building Official.
 2. Conform to the building coverage requirements prescribed for accessory buildings in subsection 30-5.7.f.2 of this section, regardless of whether the patio structure is attached to or detached from a main or accessory building.
 3. Observe a minimum five (5') feet setback from the side and rear property lines. No part of the patio cover may extend within three (3') feet of the property line.
 4. Have a minimum six (6') foot distance separating all elements of a detached patio structure (including eaves and similar architectural features) from the main building(s) or accessory building(s). The separation requirements of this paragraph may be reduced by the Planning and Building Director and Building Official if the occupancy classification of the subject buildings allow for a lesser separation, as specified by the A.B.C.
 5. Not occupy any portion of the front half of a corner lot.
 6. Not be enclosed by any walls, partial solid panel wainscoting, and/or glazing, excepting for those walls of the adjoining main and/or accessory building(s), which may 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. Patio structures may be fitted with removable clear plastic or screen mesh panels and/or retractable shade screens, as regulated under the A.B.C.
- h. *Pools and Spas*.
 1. Pools or spas that are constructed and/or permanently located "in-ground," and any mechanical equipment for such pools or spas, may be located within a minimum required rear and side yard, providing that a minimum five (5') foot setback is maintained from any property line.
 2. Portable pools, spas, hot tubs, and similar features which are determined by the Building Official not to be structures, are not subject to either the setback requirements for accessory buildings prescribed in subsection f. of this section, or those setback requirements for permanent "in-ground" spas prescribed in paragraph 1., above, except that no mechanical equipment for such portable pools or spas shall be placed within five (5') feet of any property line.
- i. *Driveways*. Driveways may be located within minimum required front yards, and minimum required street side yards of corner lots, subject to the regulations prescribed in subsection 30-7.9.f.1.
- j. *Structures for Disabled Access*. Uncovered wheelchair ramps or other structures providing disabled access may encroach into any required front, side or rear yard as long as the access structure provides continuous access from the street or parking area to an entrance of the building. The encroachment shall be the minimum necessary to provide safe and adequate access and shall be subject to Design Review.
- k. *Exceptions to Allow Additions with Less Than the Required Minimum Side Yards*. If a main building has less than the

required side yard setback, additions may be approved with existing setbacks, or none, if none exist, if the following finding can be made: no major adverse effects such as significant shading or significant view blockage will occur on adjoining properties relative to existing conditions and relative to an addition built with a conforming setback.

1. New cantilevered projections, above the first story which are to have the same or less horizontal area as an existing first story projection, may be approved with the existing projection's setbacks.
 2. If necessary to make the finding in the section above, or to address Design Review or building code concerns, the Director may require a setback greater than those existing, but still allow a setback(s) that is less than the minimum required side yard or street side yards of corner lots prescribed by the subject zoning district.
- l. In exception to the setback requirements of this chapter for stories above the ground floor, an addition at the second floor level may be approved with exterior walls in the same plane as the walls of the existing building below if the following finding can be made: no major adverse effects such as significant shading or significant view blockage will occur on adjoining properties relative to existing conditions and relative to an addition built with a conforming setback.
1. If necessary to make the finding in the section above, or to address Design Review or building code concerns, the Director may require a setback greater than those existing, but still allow a setback(s) that is less than the minimum required side yard or street side yard of corner lots prescribed by the subject zoning district.
- m. *Exceptions to Allow Extension of Roof Ridges and Roof Pitch with Heights Greater Than the Maximum Building Height Limitation.* If a main building exceeds the maximum building height for the district in which it is located, main building additions may be approved that extend upon the same height roof, ridge, pitch, and plane as the existing roof structure providing that the following findings can be made: (1) no major adverse effects such as significant shading or significant view blockage will occur on adjoining properties relative to existing conditions and relative to an alternative design with the roof extension built in compliance with the maximum building height; (2) the ridge and/or pitch continuation complies with the City of Alameda Building Code.

(Ord. No. 2920 N.S. § 13; Ord. No. 2943 N.S. §§ 12, 13; Ord. No. 2947 N.S. § 1; Ord. No. 3168 N.S., §§ 3, 8, 9, 11-15-2016)

(Ord. No. 3184 N.S., § 8, 7-5-2017)

30-5.8 - Height Exceptions.

Towers, spires, chimneys, machinery, penthouses, scenery lofts, cupolas, radio aeriels, television antennas and similar architectural and utility structures and necessary mechanical appurtenances may be built and used to a height not more than twenty-five (25') feet above the height limit established for the district in which the structures are located; provided, however, that no such architectural or utility structure in excess of the allowable building height shall be used for sleeping or eating quarters or for any commercial or advertising purposes. Additional heights for public utility structures may be permitted upon approval by the Planning Board. Height limitations provided herein shall not apply to electric transmission lines and towers, unless they encroach on any officially designated aircraft approach zone.

(Ord. No. 535 N.S. § 11-14A8; Ord. No. 1277 N. S.; Ord. No. 2920 N.S. § 14)

30-5.9 - Blast and/or Fall-Out Shelter Exceptions.

Notwithstanding anything to the contrary contained within the zoning laws and regulations of this article, blast and/or fall-out shelters may be constructed and utilized within the City subject only to the following requirements.

- a. *Setbacks.* If any part of the shelter is constructed more than three (3') feet above the natural grade of the immediately surrounding ground surface, all setback requirements of the District in which such shelter is located

shall be met; otherwise there shall be no setback requirements.

- b. *Lot Area (Coverage).* If any portion of the shelter is constructed more than three (3') feet above the natural grade of the immediately surrounding ground surface, all lot and area and coverage requirements of the district in which such shelter is located shall be met; otherwise there shall be no lot area or coverage requirements.
- c. *Definition.* For the purposes of this subsection, blast and/or fall-out shelter shall mean any structure or device within or without a building designed, constructed, utilized, and maintained as a protective structure or device against the effects of fire, heat, blast, concussion, or the fall-out of radioactive elements resulting from nuclear or other explosions or any similar device; said shelter being constructed in conformance with the Building Code of the City.

(Ord. No. 1389 N.S.)

30-5.10 - Corner Lots.

In residential and professional districts corner lot widths shall be sixty (60') feet on lots other than lots of record.

(Ord. No. 1729 N.S.)

30-5.11 - Cul-De-Sac Lots.

Residential lots located on curved or cul-de-sac streets, which have a minimum width at the established front yard setback line of fifty (50') feet shall be deemed to satisfy the minimum width requirement for a residential lot. The setback line shall be measured by the same arc established by the front lot line.

(Ord. No. 1729 N.S.)

30-5.12 - Definition of Required Open Space.

Usable open space is comprised of private open space and common open space. Usable open space is that area of a building site which is landscaped or otherwise developed and maintained for recreation or outdoor living by the occupants. Usable open space shall not include yards or other areas having a width of less than eight (8') feet, except for balconies which may have a minimum horizontal dimension of five (5') feet, or areas devoted to automobile access or storage. The following areas shall constitute usable open space as required by subsections 30-4.2(d)(9), 30-4.3(d)(10), 30-4.4(d)(10), 30-4.5(d)(10), and 30-4.6(d)(10).

- a. *Common Open Space.* Porch, patio, court or other outdoor living area which has common access from more than one (1) dwelling unit and which has a minimum area of three hundred (300) square feet and a minimum horizontal dimension of fifteen (15') feet. Common open space may include structures defined as patio covers in Section 30-2 (Definitions) provided that they are accessory to common open space as herein defined. Common open space may not include required front yards.
- b. *Private Open Space.* Private open space shall be accessible from only one (1) unit. Private open space shall not be within five (5') feet of a side lot line or ten (10') feet of a rear lot line. Private open space in the required front yard may not extend more than one-half (½) the depth of the required front yard nor across more than one-half (½) of the frontage of the building. Any private open space developed in the required front yard shall be enclosed by a perimeter wall or fence not to exceed three (3') feet in height unless the wall or fence complies with Section 30-5.14(b)(8) in which case it may not exceed four (4') feet in height. The following will qualify as private open space:
 1. Private balcony attached to a dwelling unit with an area of at least sixty (60) square feet and a minimum

horizontal dimension of five (5') feet, provided such balcony is unenclosed on at least two-thirds ($\frac{2}{3}$) of its perimeter except for required railings. A balcony which is used for access to a dwelling unit does not qualify for private open space.

2. Porch, deck, patio, or court on ground level accessible from only one (1) unit with a minimum area of one hundred twenty (120) square feet, and a minimum horizontal dimension of ten (10') feet, and is unenclosed for at least two-thirds ($\frac{2}{3}$) of its perimeter except for screen fencing not more than six (6') feet high if not in the front yard.
3. Roof deck with an area of not less than one hundred twenty (120) square feet and a minimum horizontal dimension of ten (10') feet. Any such roof deck shall have a six (6') foot high wall or screen on at least two-thirds ($\frac{2}{3}$) of its perimeter located to provide protection from the wind.
- c. *Exemption to Allow Redistribution of Private and Common Open Space.* In exception to the common and private open space provisions of this section, residential development subject to open space standards of this section may be approved with more or less private or common open space provided the following findings can be made as part of design review: 1) the design meets the amount of total useable open space required, 2) the combination of private open space and common open space provides a better open space plan for the residents of the site and/or a better architectural design for the building, and 3) the open space plan includes provisions for long-term maintenance and upkeep of the open space, including but not limited to, a maintenance agreement, service contract or other guarantee.

(Ord. No. 2933 N.S. § 6)

(Ord. No. 3223 N.S., § 1, 9-18-2018)

30-5.13 - Multiple Houses.

- a. *Utilities.* Each dwelling unit of a multiple house shall have separate utility meters, excluding water, with individual shut-off valves for all utilities. The meters and shut-offs shall be so located that each can be reached without entry into the individual unit.
- b. *Laundry Unit.* Each dwelling unit in a multiple house shall have a space and connections for the installation and operation of laundry equipment for the private use of the occupants of that unit.
- c. At least one hundred (100) cubic feet for each unit and an additional fifty (50) cubic feet for each bedroom of enclosed, weatherproof, lockable storage space shall be provided for each dwelling unit. Such storage space shall be in addition to that ordinarily contained within a unit as cabinets, pantries, and clothes closets. Such storage may be located in or separated from dwelling unit.
- d. No occupancy permit for a multiple house may issue unless the association or corporation has filed with the City Building Official the name, address and telephone number of the person or company to be contacted regarding any building, health or this code violations. If that person or company changes, the change shall be reported within ten (10) days.

(Ord. No. 1757 N.S.)

30-5.14 - Barriers and Fences.

Barriers, as defined herein, may be construed in all land use districts within the property boundaries of the individual lots according to the definitions, standards, and provisions of this subsection.

- a. *Purpose.* The purpose of this section shall be:

1. To provide adequate light and air into and between buildings and streets.
 2. To protect the character of Alameda's neighborhoods and promote the objectives of the "Design Review Manual."
 3. To develop streets which encourage pedestrian use through the maintenance of visually pleasant streetscapes.
 4. To protect public health and safety by prohibiting potentially dangerous fencing materials and by limiting fence heights in visibility zones.
- b. Definitions. The definitions included in this subsection are a partial list of definitions which are specific to the interpretation of this subsection. Additional definitions are listed in section 30-2.
1. *Arbor* is defined as a decorative latticework structure or trellis made of see-through style materials which is used as an entrance focal point along a barrier.
 2. *Barrier* is defined as anything which is used as a boundary or means of protection or confinement including but not limited to, fences, walls, and hedges and the elements of such barriers including, but not limited to, posts and other supporting framework.
 3. *Building Envelope* is the area of land on a parcel within the required yards for a main building as regulated by this chapter.
 4. *Chain-Link Fencing* is defined as any fencing composed of or appearing to be composed of diagonal grid woven wire fencing material including, but not limited to, cyclone fencing, chain-link fencing, or diamond shaped plastic-link fencing.
 5. *Edge of Vehicular Travel Way* is the curb-line of a public or private roadway or the edge of payment or driveway where no curb-line exists.
 6. *Grade* is defined as the lowest point of elevation of the finished surface of the ground, paving or sidewalk.
 7. *Public or Quasi-Public Land Uses* are those uses including, but not limited to, public streets; public open space and waterways; commonly owned, private open spaces and waterways; schools and their grounds; churches and their surrounding open areas; and other non-residential, institutional uses.
 8. *See-Through Style* refers to any fencing material in which the amount of opaque fence material, excluding its supporting posts, is less than fifty (50%) percent of any square foot of said fencing material and may include, but is not limited to, pickets, lattice, or decorative wrought iron.
 9. *Street Side Yard* is the area of a corner lot that consists of the side yard adjacent to the street, and that portion of the rear yard that would be included in the rearward extension of the side yard adjacent to the street.
 10. *Visibility Zone* is determined by the City Engineer, and is generally the area on a corner of two (2) intersecting vehicular travel ways encompassed by a triangle, two (2) of the sides of which are no less than twenty (20') feet in length and are coincident with the edge of a vehicular travel way, except in specific cases where the City Engineer determines that safety considerations require a modified visibility zone.
- c. *Barrier Heights*. Barrier heights shall be subject to the following limitations, except as otherwise specifically provided in this title:
1. The height of a barrier at any given point shall generally be the distance between the maximum vertical extent of the barrier at that point and the level of the grade within eighteen (18") inches horizontally of a point directly below a given point.

The height of barrier over the Bay shall be measured starting at four (4') feet above City of Alameda datum, which is the same as sixteen and one half (16.5) feet above mean lower low tide.

2. In front yards on residentially zoned or developed properties barriers shall not exceed three (3') feet in height except as permitted elsewhere in this subsection.
3. In side and rear yards on residentially zoned or developed properties barriers shall not exceed six (6') feet in height, except as permitted elsewhere in this subsection.
4. In required setback areas on parcels in commercial and industrial districts barriers shall not exceed eight (8') feet in height, except in visibility zones or on residentially developed lots, as permitted elsewhere in this subsection.
5. In visibility zones no barrier shall exceed three (3') feet in height.

d. *Exceptions to Limitations on Barrier Height:*

1. Barriers otherwise limited to three (3') feet in height may be vertically extended up to four (4') feet in height with see-through style fencing material.
2. Barriers otherwise limited to three (3') feet in height may be vertically extended up to five (5') feet with see-through style fencing material, subject to approval by the Planning Director, who shall consider the compatibility of the fence design with its site and surrounding uses.
3. Barriers otherwise limited to six (6') feet in height may be extended up to eight (8') feet in height with see-through style fencing material.
4. Barriers located within a permitted building envelope may be extended up to the allowed building height in that zone as permitted by this chapter.
5. Arbors and decorative fence posts, subject to approval by the Planning Director, who shall consider the compatibility of the arbor or fence post with the barrier, its site and surrounding uses.

e. *Prohibited Fencing Materials:*

1. Barbed wire, razor wire and other similar materials shall not be permitted as any part of any barrier, as defined and regulated by this section.
2. The use of chain-link fencing shall not be permitted as a part of any barrier on a residentially zoned or developed property except as specifically permitted by this section.

f. *Exceptions to Prohibited Fencing Material:*

1. Chain-link fences up to six (6') feet in height may be permitted in rear and side yards on residentially developed properties, where such yard is not a street side yard nor a rear yard of a corner or double-frontage lot, and where any such yard is not adjacent to public and quasi-public land uses.
2. If not otherwise permitted, and where no feasible fencing material alternative exists, chain-link fences, not located in the front yard of residentially developed parcels, may be permitted when required for recreation or safety reasons, subject to Use Permit Approval, which shall be conditioned to mitigate negative visual impacts. Such conditions may include, but are not limited to any or all of the following:
 - (a) Inclusion of decorative elements, such as varied mesh sizes, vinyl or other colored coating, and alternative post materials.
 - (b) Inclusion of landscaping or other screening alternative fence locations.
 - (c) Maintenance of fencing materials and landscaping.

g. *Non-Conforming Fences.* Non-conforming fences may be permitted as regulated by subsection 30-20.3.

- h. *Non-Residential Fences.* On non-residentially developed or zoned properties, any permanent or temporary barrier visible from a public right-of-way or public access easement, shall require an administrative use permit pursuant to 21.4 unless such barrier is included as part of a use permit governing the greater use of the property, a developer approved pursuant to a planned development zoning, or a design review approval or unless the fence is required to health or safety concerns caused by fire or other natural disaster for not more than thirty (30) days. Barriers of chain-link or similar material shall be screened, and all barriers shall provide adequate access for safety and emergency personnel. Administrative use permits for temporary fences shall be conditioned to require removal of the fence in six (6) months. Requests for extensions to the six-month term shall require a use permit approved by the planning board.
- i. *Screening.* All exterior storage on the property shall be screened from view by a wall or other approved screening material, rising two (2') feet above the stored goods; provided, that no such screen or wall shall exceed ten (10') feet. All storage areas shall be surfaced to provide a durable and dust-free surface and properly graded so as to dispose of all surface water. When feasible, outdoor storage areas should be located at the rear of the property. For walls or fences located next to street right-of-way, landscaping shall be located in front of the fence or wall. All off-street parking and truck loading areas must be screened from view of any public right-of-way by a low wall or landscaping screen.

(Ord. No. 2630 N.S. § 3)

(Ord. No. 3009 N.S., § 1, 11-3-2009; Ord. No. 3072 N.S., § 5, 5-7-2013)

Editor's note— Ord. No. 3009 N.S., § 1, adopted Nov. 3, 2009, added subsection 30-51.4e. to the Code. Inasmuch as subsections e. through g. already existed, the new provisions have been redesignated as h. at the city's instruction.

30-5.15 - Reserved.

Editor's note— Ord. No. 3206 N.S., § 1, adopted December 19, 2017, repealed § 30-5.15, which pertained to medical marijuana dispensaries and cultivation and derived from Ord. No. 3017 N.S., adopted May 18, 2010 and Ord. No. 3146, adopted January 19, 2016.

30-5.16 - Performance Standards.

a. *Purpose and Applicability.*

1. *Purpose.* The purpose of this section is to establish performance standards for uses of land and buildings in all districts, in order to ensure that other properties, as well as persons in the community, are provided protection against any adverse conditions that might be created as a result of such uses.
2. *Applicability.* The performance standards apply to all new and existing land uses, including permanent and temporary uses, in all zoning districts, unless otherwise specified. Existing uses shall not be altered or modified to conflict with, or further conflict with, these standards.
3. *General Conditions.* The performance standards are general requirements and shall not be construed to prevent the Planning Director, Planning Board, or City Council from imposing, as part of project approval, specific conditions that may be more restrictive in order to meet the intent of these regulations.

b. *Bird-Safe Buildings.* This section shall be known as the Bird-Safe Building Ordinance.

1. *Purpose.* The purpose of this section is to reduce bird mortality from windows or other specific building features known to increase the risk of bird collisions.
2. *Applicability.* The bird-safe building standards apply to the following types of projects when such projects require a building permit.

- (a) *New Construction.* New buildings that are greater than thirty-five (35) feet in height, and that have one or more which glass constitutes fifty (50%) percent or more of the area of an individual facade. The bird-safe glazing requirement be met on any window or unbroken glazed segment with an area of twelve (12) square feet or more located on :
 - (b) *Window Replacement.* On buildings that are greater than thirty-five (35) feet in height, and that have one or more façades in which glass constitutes fifty (50%) percent or more of the area of an individual façade, the replacement of any window or other rigid transparent material with an area of twelve (12) square feet or more. The requirement does not apply on existing windows that are not proposed to be replaced.
 - (c) *New or Replaced Glass Structures.* Any structure that has transparent glass walls or any unbroken glazed segment twenty-four (24) square feet or more in size, including but not limited to freestanding glass walls, wind barriers, skywalks, balconies, greenhouses, and rooftop appurtenances.
3. *Exemptions.* The bird-safe building standards shall not apply to the following:
- (a) *Historic Structures.* The replacement of existing glass on historic structures. However, the standards shall apply to new exterior additions to historic structures, and new construction on the site of historic structures, that are differentiated from the historic structures, if determined by the Planning Director to be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
 - (b) *Glazing on Commercial Storefronts.* The ground floor of commercial storefronts directly fronting a public street, alley, or sidewalk.
4. *Standards.*
- (a) *Bird-Safe Glazing Requirement.* At least ninety (90%) percent of the glazing on any building façade or freestanding glass structure shall include features that enable birds to perceive the glass as a solid object. The requirement can be satisfied by using one or more of the following treatments to be determined by the Planning Director as part of an application for a building permit:
 - (i) External screens installed permanently over glass windows such that the windows do not appear reflective.
 - (ii) Light-colored blinds or curtains.
 - (iii) Opaque glass, translucent glass, or opaque or translucent window film.
 - (iv) Paned glass with mullions on the exterior of the glass.
 - (v) Glass covered with patterns (e.g., dots, stripes, images, abstract patterns, lettering). Such patterns may be etched, fritted, stenciled, silk-screened, applied to the glass on films or decals, or another method of permanently incorporating the patterns into or onto the glass. Elements of the patterns must be at least one-eighth ($\frac{1}{8}$) inch tall and separated no more than two (2) inches vertically, at least one-quarter ($\frac{1}{4}$) inch wide and separated by no more than four (4) inches horizontally, or both (the "two-by-four rule").
 - (vi) Ultraviolet (UV)-pattern reflective glass, laminated glass with a patterned UV-reflective coating, or UV-absorbing and UV-reflecting film that is permanently applied to the glass. Where patterns are used, they shall meet the two-by-four rule.
 - (vii) Other glazing treatments providing an equivalent level of bird safety and approved by the Planning Director as part of building plan review.
 - (b) *Alternative Compliance.* As an alternative to meeting subsection 4(a), Bird-Safe Glazing Requirement, an applicant may propose building and fenestration designs and/or operational measures that will minimize bird collisions and achieve an equivalent level of bird safety. The applicant shall submit a bird collision reduction

plan along with the application for design review or other discretionary permit required for the project. The bird collision reduction plan shall be prepared by a qualified biologist. Design and operational solutions may include but need not be limited to the following techniques, singularly or in combination:

- (i) Layering and recessing glazed surfaces.
- (ii) Angled or faceted glazing that minimizes reflectivity and transparency.
- (iii) Louvres.
- (iv) Overhangs and awnings.
- (v) Glass block.
- (vi) Bird netting.
- (vii) Decorative grilles that allow birds to perceive the grilles, together with the glass behind them, as solid.
- (viii) Glass embedded with photovoltaic cells.
- (ix) Placement of landscaping in such a way as to minimize bird collisions.

c. *Outdoor Lighting*. This section shall be known as the Alameda Dark Skies Ordinance.

1. *Purpose*. The standards of the Alameda Dark Skies Ordinance are intended to:

- (a) Allow adequate illumination for safety, security, utility, and the enjoyment of outdoor areas.
- (b) Prevent excessive light and glare on public roadways and private properties.
- (c) Minimize artificial outdoor light that can have a detrimental effect on human health, the environment, astronomical research, amateur astronomy, and enjoyment of the night sky.
- (d) Minimize light that can be attractive, disorienting, and hazardous to migrating and local birds.

2. *Definitions*. The following definitions are specific to the interpretation of this section. Additional definitions applicable to the zoning ordinance as a whole are listed in Section 30-2, Definitions.

- (a) *Bird Migration Season*. Bird migration season shall mean February 15 to May 31 and August 1 to November 30.
- (b) *Candela*. The standard unit of luminous intensity in the International System of Units. In contrast to lumens, which measure the total light energy emitted by a particular light source, a candela represents a value of light intensity from any point in a single direction from the light source.
- (c) *Foot-candle*. A unit of measure in the International System of Units for quantifying the intensity of light falling on an object. One (1) foot-candle is equal to one (1) lumen uniformly distributed over an area of one (1) square foot. In contrast with lumens, which measure the light energy radiated by a particular light source, foot-candles measure the brightness of light at the illuminated object.
- (d) *Glare*. The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, so as to cause annoyance, discomfort or loss of visual performance and ability.
- (e) *Kelvin*. The temperature scale utilized in illumination science to describe the hue/color of the light. A lower value such as two thousand seven hundred (2,700) Kelvin is associated with a "warm" colored light source such as incandescent, while a higher value such as five thousand (5,000) Kelvin is associated with a "cool" colored light source.
- (f) *Light Fixture (Luminaire)*. A complete lighting unit consisting of a lamp or lamps, and ballast(s), where applicable, together with the parts designed to distribute the light, position and protect the lamps and ballasts, and connect the lamps to the power supply.
- (g) *Light Trespass*. Light emitted by a luminaire that shines beyond the property on which the luminaire is

installed.

- (h) *Lumen*. A unit of measure in the International System of Units for quantifying the amount and rate of light energy emitted by a particular light source. A lumen is equal to the amount of light given out through a solid angle by a source of one (1) candela intensity radiating equally in all directions.
 - (i) *Shielded Fixture*. Light fixtures that are shielded or constructed so that light rays emitted by the lamp are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.
 - (j) *Uplighting*. The placement and orientation of lights such that beams of light are directed upward.
3. *Applicability*. Unless otherwise expressly stated, the standards of this subsection (c), Outdoor Lighting, apply to any project that requires a building permit or electrical permit for:
- (a) New exterior lighting, including lighting fixtures attached to buildings, structures, poles, or self-supporting structures; or
 - (b) Additions or replacements of existing exterior light fixtures, including upgrades and replacements of damaged or destroyed fixtures.
4. *Exemptions*. The following types of lighting are exempt from the requirements of this subsection (c), Outdoor Lighting:
- (a) *Emergency Lighting*. Temporary emergency lighting used by law enforcement or emergency services personnel, a public utility, or in conjunction with any other emergency service.
 - (b) *Construction Lighting*. Temporary lighting used for the construction or repair of roadways, utilities, and other public infrastructure.
 - (c) *Airport Lighting*. Lighting for public and private airports and any other uses that are regulated by the Federal Aviation Administration.
 - (d) *Lighting Required by Building Codes or Other Regulations*. Lighting for communication towers, exit signs, stairs/ramps, points of ingress/egress to buildings, and all other illumination required by building codes, OSHA standards, and other permitting requirements imposed by state or federal agencies.
 - (e) *Signs*. Signs and sign lighting. (See [Section 30-6.6](#), Illumination of Signs, for sign lighting standards.)
 - (f) *Athletic Field Lights*. Athletic field lights used within a school campus or public or private park, provided, however, that athletic field lights shall be selected and installed so as to minimize glare and light trespass outside the playing area. Athletic field lights shall be turned off no later than 11:00 p.m. or where an event requires extended time, no later than thirty (30) minutes after conclusion of the event.
 - (g) *Neon, Argon, and Krypton*. All fixtures illuminated solely by neon, argon, or krypton.
 - (h) *Fossil Fuel Light*. All outdoor light fixtures producing light directly through the combustion of fossil fuels, such as kerosene lanterns, and gas lamps.
 - (i) *Water Features*. Lighting used in or for the purpose of lighting swimming pools, hot tubs, decorative fountains, and other water features.
 - (j) *Flag Lighting*. Lighting used to illuminate a properly displayed United States flag and/or State of California flag.
 - (k) *Holiday Displays*. Seasonal and holiday lighting.
 - (l) *Temporary Lighting*. Temporary lighting allowed under a Special Events Permit or Film/Photography Permit.
5. *Prohibitions*. The following types of lighting are prohibited:
- (a) *Searchlights*. The operation of searchlights, unless allowed on a temporary basis under a Special Event Permit

outside of bird migration season or operated by law enforcement or emergency services personnel.

- (b) *Aerial Lasers*. The use of aerial lasers or any similar high-intensity light for outdoor advertising or entertainment when projected upward, unless allowed on a temporary basis as part of a Special Event Permit outside of bird migration season.
 - (c) *Mercury Vapor*. The installation of new mercury vapor fixtures.
 - (d) Other very intense lighting having a light source exceeding two hundred thousand (200,000) initial luminaire lumens or an intensity in any direction of more than two million (2,000,000) candelas.
6. *Standards*. Exterior lighting shall be consistent with these standards.
- (a) *Shielding*. All exterior lighting fixtures shall be fully shielded, and lighting shall be directed downward, with the following exceptions:
 - (i) *Low-voltage Landscape Lighting*. Low-voltage landscape lighting such as that used to illuminate fountains, shrubbery, trees, and walkways, may be unshielded provided that it uses no more than sixty (60) watts, or twelve (12) watt equivalent LED, and emits no more than seven hundred fifty (750) lumens per fixture.
 - (ii) *Architecture and Public Art*. Uplighting may be used to highlight special architectural features, historic structures, public art and monuments, and similar objects of interest. Lamps used for such uplighting shall use less than one hundred (100) watts, or twenty (20) watt equivalent LED, and emit less than one thousand six hundred (1,600) lumens per fixture.
 - (iii) *Historic Lighting Fixtures*. Lighting fixtures that are historic or that exhibit a historical period appearance, as determined by the Planning Director, need not be fully shielded.
 - (b) *Light Trespass*. Exterior lighting shall be directed downward and away from property lines to prevent excessive glare beyond the subject property. No light, combination of lights, or activity shall cast light exceeding one (1) foot-candle onto an adjacent or nearby property, with the illumination level measured at the property line between the lot on which the light is located and the adjacent lot, at the point nearest to the light source.
 - (c) *Correlated Color Temperature for Light-Emitting Diode (LED) Lighting*. All LED light sources shall have a maintained correlated color temperature of less than or within the range of two thousand seven hundred to three thousand (2,700—3,000) Kelvins.
 - (d) *Security Lighting*. Adequate lighting shall be provided to protect persons and property and to allow for the proper functioning of surveillance equipment.
 - (i) Security lighting shall consist of shielded fixtures that are directed downward. Floodlights shall not be permitted.
 - (ii) Vertical features, such as walls of a building, may be illuminated for security to a height of eight (8) feet above grade.
 - (iii) Security lights intended to illuminate a perimeter, such as a fence line, are allowed only if regulated by a programmable motion detection system and compliant with the light trespass limitations in subsection (b).
 - (iv) Security lighting fixtures that utilize one hundred (100) or more watts, or twenty (20) watt equivalent LED, or emit one thousand six hundred (1,600) or more lumens shall be controlled by a programmable motion-sensor device, except where continuous lighting is required by the California Building Standards Code.
 - (e) *Parking Lot Lighting*. Parking lot lighting shall be consistent with the standards of Section 30-7.17, Illumination

of Parking Areas.

(f) *Service Station Canopies.* Service station canopies are subject to the following standards:

(i) Lighting fixtures in the ceiling of canopies shall be fully recessed in the canopy.

(ii) Light fixtures shall not be mounted on the top or fascia of such canopies.

(iii) The fascia of such canopies shall not be illuminated, except for approved signage.

(g) *Street and Park Lighting.* Lighting installed within a public or private right-of-way or easement for the purpose of illuminating streets or roadways and lighting in City parks shall be in accordance to lighting standards of the Public Works Department and Alameda Recreation and Parks Departments, except all LED lighting shall have a maintained correlated color temperature of less than or within the range of two thousand seven hundred to three thousand (2,700—3,000) Kelvins.

7. *Code Compliance.* All exterior lighting shall be consistent with all applicable parts of the California Building Standards Code. In the case of any conflict between the standards of this section and the California Building Standards Code, the latter shall prevail.

d. *Wood Burning Fireplaces and Stoves.* To reduce greenhouse gas emissions and minimize air quality impacts, wood-burning stoves and fireplaces are prohibited in new residential construction.

e. *Vibrations.* No vibration shall be permitted which is discernible without instruments at any property line.

f. *Glare or Heat.* No heat or direct or sky-reflected glare, whether from floodlights, or high-temperature processes such as combustion or welding or otherwise, shall emanate from any use so as to be visible or discernible from the property line. Legal signs are exempted from this provision.

g. *Fissionable or Radioactive Material.* No activity shall be permitted which utilizes, produces, removes or reprocesses fissionable or radioactive material unless a license, permit or other authority is secured from the state or federal agency exercising control. In all matters relative to such activities, it shall be the responsibility of the user to ascertain and identify the responsible agencies and notify the Community Development Department as to the agencies involved and the status of the required permits.

h. *Maintenance.* Each person, company or corporation utilizing a lot shall at all times maintain such lot in good order. This shall include repair and maintenance of all structures, fences, signs, walks, driveways, landscaping, necessary to preserve property values and public health, welfare, and safety.

(Ord. No. 3072 N.S., § 6, 5-7-2013; Ord. No. 3232 N.S., § 1, 12-18-2018)

30-5.17 - Reasonable Accommodation.

a. *Purpose.* The purpose of this section is to provide a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (together, the Acts) in the application of zoning laws and other land use regulations, policies, and procedures.

b. *Applicability.*

1. A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This section is intended to apply to those persons who are defined as disabled under the Acts.

2. A request for reasonable accommodation may include a modification or exception to the rules, standards and practices relating to the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
3. A reasonable accommodation is granted to the household that needs the accommodation and does not apply to successors in interest to the site.
4. A reasonable accommodation may be granted in compliance with this section without the need for the approval of a variance.
5. Requests for reasonable accommodation shall be made in the manner prescribed in Section 30-5.17(c), Application Requirements.

c. *Application Requirements.*

1. *Application.* A request for reasonable accommodation shall be submitted on an application form provided by the Community Development Department, or in the form of a letter, to the Community Development Director and shall contain the following information:
 - (a) The applicant's name, address, and telephone number;
 - (b) Address of the property for which the request is being made;
 - (c) The current actual use of the property;
 - (d) The basis for the claim that the individual is considered disabled under the Acts;
 - (e) The zoning ordinance provision, regulation, or policy for which reasonable accommodation is being requested; and
 - (f) Why the reasonable accommodation is necessary to accommodate the functional daily need of the disabled individual.
2. *Review with Other Land Use Applications.* If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (including but not limited to: Use permit, design review, general plan amendment, zone change, etc.), then the applicant shall file the information required by subsection 1 (Application) above together with the application for discretionary approval.

d. *Review Authority.*

1. *Community Development Director.* A request for reasonable accommodation shall be reviewed by the Community Development Director (Director), or his/her designee if no approval is sought other than the request for reasonable accommodation.
2. *Other Review Authority.* Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application.

e. *Review Procedure.*

1. *Director Review.* The Director, or Director designee, shall make a written determination within forty-five (45) days and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with Section 30-5.17(f), Findings and Decision.
2. *Other Reviewing Authority.* The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review. The written determination to grant or deny the request for reasonable accommodation shall be made in accordance with Section 30-5.17(f), Findings and Decision.

f. *Findings and Decision.*

1. *Findings.* The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:
 - (a) Whether the housing, which is the subject of the request, will be used by an individual with a disability as defined under the Acts.
 - (b) Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
 - (c) Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City.
 - (d) Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to design review, historic preservation, land use and zoning.
 - (e) Potential impact on surrounding uses.
 - (f) Physical attributes of the property and structures; and
 - (g) Alternative reasonable accommodations which may provide an equivalent level of benefit.
 2. *Condition of Approval.* In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection 1 above. The conditions shall also state whether the accommodation granted shall be removed in the event that the person for whom the accommodation was requested no longer resides on the site.
- g. *Appeal of Determination.* A determination by the reviewing authority to grant or deny a request for reasonable accommodation may be appealed to the Planning Board in compliance with Section 30-25, Appeals or Calls for Review.

(Ord. No. 3094 N.S., § 1, 4-15-2014)

30-5.18 - Accessory Dwelling Units.

- a. *Purpose.* This Section provides for the creation of accessory dwelling units and junior accessory dwelling units on lots zoned to allow residential use consistent with Government Code Sections 65852.2, 65852.22, and 65852.26. Such accessory dwelling units contribute needed housing to the community while maintaining neighborhood character, support affordable housing and multigenerational living, and enhance housing opportunity near transit. An accessory dwelling unit that conforms to the development and design standards in this section shall:
 1. Be deemed an accessory use or an accessory building and not be considered to exceed the allowable density for the lot upon which it is located;
 2. Be deemed a residential use that is consistent with the existing General Plan and zoning designation for the lot upon which it is located;
 3. Not be considered in the application of any ordinance, policy, or program to limit residential growth; and
 4. Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.
- b. *Applicability.*
 1. The provisions of this section authorize an accessory dwelling unit to be located on a lot in any zoning district where residential use is permitted or conditionally-permitted that includes a proposed or existing primary dwelling.

- c. *Development Standards.* An accessory dwelling unit may be attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.
1. *Number Allowed:*
 - (a) *Single-family lots.* On lots with an existing or proposed single-family dwelling, one (1) accessory dwelling unit and one (1) junior accessory dwelling unit may be permitted.
 - (b) *Multi-family lots.* On lots with existing multiple-family dwellings (two (2) or more units), up to twenty-five (25%) percent of the existing multiple-family dwelling units may be permitted, with any fraction rounded up to the nearest whole number. Accessory dwelling units may be permitted within portions of the multiple-family dwelling that are not used as habitable space, if each unit complies with state building standards for dwellings. In addition to the twenty-five (25%) percent above, no more than two (2) detached accessory dwelling units may be permitted on a multi-family lot. The two (2) detached accessory dwelling units may be constructed to be attached to each other.
 2. *Maximum Size:* The size of the accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet. Nothing in this Section shall be interpreted to prohibit at least an eight hundred (800) square foot accessory dwelling unit that is sixteen (16') feet in height with four (4') foot side and rear yard setbacks to be constructed in compliance with all other development standards.
 3. *Attached Accessory Dwelling Units:* An accessory dwelling unit that is attached to or created within a proposed or existing primary dwelling shall comply with all height, building coverage, yard areas, and setback requirements for the primary dwelling.
 - (a) *Independent Access:* Exterior access shall be provided independently from the primary dwelling.
 - (b) *Unit Separation:* Attached units and units that are within the primary dwelling may maintain an interior connection to the primary dwelling provided there is a fire-rated door separating the units that is lockable on both sides.
 - (c) *Aggregate Lot Coverage:* The aggregate lot coverage of all building footprint(s) on the lot shall not exceed sixty (60) percent.
 4. *Detached Accessory Dwelling Units:* An accessory dwelling unit may be constructed as a new detached structure or created through the conversion of an existing accessory structure and shall comply with the following requirements:
 - (a) *Maximum Height:* The maximum height for a detached accessory dwelling unit shall be sixteen (16') feet measured from grade to the peak of the roof. On lots located within the Special Flood Hazard Area, as defined by FEMA's Flood Insurance Rate Maps (FIRM), the height of a detached accessory dwelling unit may exceed sixteen (16') feet by the minimum amount necessary, as determined by the Building Official and City Engineer, to allow:
 - (1) A finished floor of the habitable space at one (1') foot above the Base Flood Elevation shown on the FIRM; and
 - (2) Up to eight (8') feet in vertical clearance from the finished floor to ceiling within the habitable space; and
 - (3) A roof form or pitch that conforms to the Design Standards in subsection c.5.
 - (b) *Required Setbacks from Side and Rear Property Lines:* No setbacks shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit. A setback of four (4') feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing

structure or new structure constructed in the same location and to the same dimensions as an existing structure, except the side and rear yard setbacks may be reduced to zero (0') feet if all of the following conditions are met:

- (1) The detached ADU is located seventy-five (75') feet or more from the front property line;
 - (2) The portion of the neighboring lot(s) that adjoin the detached ADU is also the required rear yard;
 - (3) All construction within three (3') feet of the property line, including eaves and similar architectural features, is one (1) hour fire resistive as required by the Alameda Building Code or as approved by the Building Official; and
 - (4) The detached ADU is not more than sixteen (16') feet in height.
- (c) *Maximum Rear Yard Coverage:* Detached ADUs shall not cover more than four hundred (400) square feet or forty (40%) percent of the minimum required rear yard as prescribed by the subject Zoning District, whichever is greater. This requirement shall not apply to an accessory dwelling unit constructed in the same location and to the same dimensions as an existing accessory structure that is converted to an accessory dwelling unit. This requirement also shall not be interpreted to prohibit at least an eight hundred (800) square foot accessory dwelling unit that is sixteen (16') feet in height with four (4') foot side and rear yard setbacks to be constructed in compliance with all other development standards.
- (d) *Minimum Separation from Other Structures:* There shall be a minimum of six (6') feet separating all construction (including eaves and similar architectural features) of the detached ADU from the main building(s) or other accessory building(s) on the same lot. The separation requirements of this paragraph may be reduced by the Building Official if one (1) hour fire resistive construction is utilized.
- (e) *Lot Coverage:* The aggregate lot coverage of all building footprint(s) on the lot shall not exceed sixty (60%) percent. This requirement shall not apply to an accessory dwelling unit constructed in the same location and to the same dimensions as an existing accessory structure that is converted to an accessory dwelling unit. This requirement shall also not be interpreted to prohibit at least an eight hundred (800) square foot accessory dwelling unit that is sixteen (16') feet in height with four (4') foot side and rear yard setbacks to be constructed in compliance with all other development standards.
- (f) *Expanding an Existing Accessory Structure:* An accessory dwelling unit created within an existing accessory structure may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical limitations of the existing accessory structure shall be limited to accommodating ingress and egress.

5. *Design Standards:*

- (a) *Attached Unit:* The design of an attached accessory dwelling unit shall appear as an integral part of the primary dwelling and incorporate the same materials, colors and style as the exterior of the primary dwelling, including roof materials and pitch, eaves, windows, accents, distinctive features, and character defining elements. Creation of the accessory dwelling unit shall not involve any changes to existing street-facing walls nor to existing floor and roof elevations.
- (b) *Detached Unit:* The design of a detached accessory dwelling unit shall be subordinate to the primary dwelling in terms of massing, height and building footprint. The detached building shall exhibit residential character and complement the primary dwelling in terms of proportions, roof form, and basic architectural features. Where there is a clearly recognizable architectural style present in its immediate surroundings, the detached building shall have the same architectural style and level of interest as the immediately surrounding buildings. Where the immediate surroundings is eclectic and no particular style of architecture is dominant, a

greater degree of architectural variety may be established with the detached accessory dwelling unit. This subsection shall not be interpreted to prohibit a prefabricated structure or manufactured home, as defined in Section 18007 of the California Health and Safety Code.

- (c) *Detached Unit in the Front Yard or Adjacent to a Street Side Yard of a Corner Lot:* The design of a detached accessory dwelling unit shall be subordinate to the primary dwelling in terms of massing, height and building footprint. The design shall incorporate the same materials, colors and style as the exterior of the primary dwelling, including roof materials and pitch, eaves, windows, accents, distinctive features, and character defining elements. This subsection shall not be interpreted to prohibit a prefabricated structure or manufactured home, as defined in Section 18007 of the California Health and Safety Code.

6. *Junior Accessory Dwelling Units:* One (1) junior accessory dwelling unit shall be permitted ministerially if complying with the standards of subsection c.1., c.3(a), and c.3(b) above, and the following:

- (a) The junior accessory dwelling unit shall be fully located within an existing or proposed primary single-family dwelling, except an addition of up to one hundred fifty (150) square feet may be permitted as part of an application for a junior accessory dwelling unit.
- (b) The unit shall be no larger than five hundred (500) square feet in floor area.
- (c) The unit may maintain an interior connection to the primary dwelling and shall provide an exterior entrance separate from the main dwelling entrance.
- (d) The unit may contain separate sanitation facilities or may share with the primary dwelling.
- (e) The unit shall include an efficiency kitchen that shall include the following components:
 - (1) A cooking facility with appliances; and
 - (2) A food preparation counter and storage cabinets.
- (f) Notwithstanding subsection d. below, no additional parking shall be required for a junior accessory dwelling unit.
- (g) For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
- (h) Before issuing a building permit for a junior accessory dwelling unit, the property owner shall file with the county recorder a declaration or an agreement of restrictions, which has been approved by the City Attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner and stating that:
 - (1) The junior accessory dwelling unit shall not be sold or otherwise conveyed separately from the primary dwelling, and rental of a junior accessory dwelling unit shall be for a period longer than thirty (30) days.
 - (2) The applicant shall be an owner-occupant of either the remaining portion of the primary dwelling or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
 - (3) A restriction on the junior accessory dwelling unit size and attributes exists as required by subsection c.6, above.

- d. *Parking.* Off-street parking provided shall comply with Section 30-7. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement of the parking space(s) shall not be required.
- e. *Rental and Sale Limitations.* The accessory dwelling unit shall not be sold or otherwise conveyed separately from the primary dwelling, and rental of an accessory dwelling unit shall be for a period longer than thirty (30) days.

f. *Application and Review Process.*

1. *Ministerial Review.* Except as provided below, application for an accessory dwelling unit shall be reviewed ministerially within sixty (60) days from receipt of a completed application without discretionary review or public hearing when in compliance with the development standards of this section.
 2. *Combination permits.* For applications that combine a new accessory dwelling unit with improvements other than for the accessory dwelling unit, the non-accessory dwelling unit portion of the application shall be subject to design review if said improvement is not exempt from design review as provided by Section 30-37.2.
 3. *Vacant Lots.* An accessory dwelling unit must be located on a lot with a proposed or existing primary dwelling. If the lot is undeveloped, then the applicant will be subject to discretionary review for construction of the primary dwelling.
- g. The accessory dwelling unit shall meet the requirements of the building and housing code, as adopted and amended by the Alameda Building Code, that apply to detached dwellings, as appropriate. Except that fire sprinklers or fire attenuation shall not be required for an accessory dwelling unit if not required for the primary residence.
- h. No protected tree(s) shall be removed to accommodate an accessory dwelling unit except with the recommendation of a certified arborist and approval procedures set forth in Section 13-21 of Chapter XIII of the Alameda Municipal Code.
- i. Nothing in this section supersedes requirements for obtaining development permits pursuant to this chapter or for properties subject to the preservation of historical and cultural resources set forth in Section 13-21 of Chapter XIII of the Alameda Municipal Code.

(Ord. No. 3184 N.S., § 9, 7-5-2017; Ord. No. 3278 N.S., § 2, 5-5-2020; Ord. No. 3309 N.S., § 4, 11-16-2021)

30-6 - SIGN REGULATIONS.

30-6.1 - In General; On-Premises and Off-Premises Signs.

- a. *General Regulation.* Signs as defined in Section 30-2, are further defined in subsection 30-6.2, and are permitted in all zoning districts, but shall be designed, erected, altered, moved, removed, or maintained in whole or in part in accordance with the regulations prescribed in this section.
- b. *Permit Required.* A sign permit and a building permit shall be obtained as provided in Sections 6-3 and 13-1 of the Alameda Municipal Code.
- c. *Purpose.* The purpose of this section is to provide standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, location, installation and maintenance of all forms of outdoor advertising, as defined in Section 30-2. The City finds that signs are important to the economic life and welfare of the City. However, when placed in an improper manner or used to an excessive extent, signs may be detrimental to the public safety and welfare. The public interest, conservation of property values, encouragement of orderly city development, aesthetic values and protection of the public health, safety and welfare therefore require that the use of signs be regulated.
- d. *Intent.* The objectives of the regulations in this section are to:
 1. Enhance the appearance and economic value of the community by regulating the quantity, size, type, location, design and maintenance of signs;
 2. Encourage signs which are compatible with adjacent land uses;

3. Encourage a high quality design with a minimum of clutter;
4. Encourage signs which are well designed and pleasing in appearance;
5. Provide a reasonable and constitutional system of sign control;
6. Conveniently direct persons to various activities and enterprises in the City;
7. Reduce traffic and safety hazards through proper location and design of signs; and
8. Prevent uncontrolled sign competition which is costly to business and visually unattractive to the community.

(Ord. No. 2938 N.S. § 3)

(Ord. No. 3027 N.S., § 3, 3-1-2011)

30-6.2 - Definitions.

As used in this section:

Abandoned sign shall mean a sign, or part of a sign, or any structure that does or once had supported a sign, which has not, for a period over thirty (30) days, displayed the identity of a business, lessor, owner, product, service or activity on the premises where the sign and/or structure is located.

Affiliation sign shall mean any sign whose sole purpose is to identify membership in an association of businesses, such as credit card companies, association membership, trading stamps.

Auto dealership shall mean an establishment whose principal activity is the sale of new or used motor vehicles.

Auto row shall mean the parcels fronting on both sides of Park Street between the Park Street Bridge on the north and the north side of Lincoln Avenue on the south, including adjacent parcels contiguous to ones with frontage on Park Street under ownership or lease to auto dealers, and including adjacent portions of Blanding Avenue, Buena Vista Avenue, Pacific Avenue, Tilden Way and Lincoln Avenue which abut parcels under ownership or lease to auto dealers.

Awning shall mean a hood or cover which projects from a wall of a building, which is primarily intended to provide shade and shelter, and which is typically made of canvas or aluminum or similar materials, and may be fixed in place or retractable.

Balloon shall mean an inflated is filled with hot air or a gas lighter than air.

Banner shall mean a sign not made of rigid material either enclosed or not enclosed in a rigid frame, which is temporarily mounted or attached to either poles, trees or buildings, and may be placed as to allow movement of the sign by the wind.

Borderless sign shall mean a sign composed of parts of a message without a single border enclosing any of the parts.

Building frontage shall mean the portion of an exterior building wall which faces a public street, walkway or parking lot. When separated by interior walls, more than one (1) kind of business may be considered a separate place of business although operated within the same building by the same owner.

Bulletin board sign shall mean a sign used to display announcements relative to a public, charitable, religious or fraternal institution.

Business shall mean an organization involved in the provision of goods or services, including transitory residential uses such as motels and hotels but excluding multiple residential uses.

Business complex shall mean five (5) or more businesses located on one (1) or more parcels of land sharing common pedestrian or vehicular access or parking facilities.

Business park shall mean industrial or commercial development in all industrial, manufacturing zones designated in part by the letter M, which contain at least five (5) different businesses with a combined gross floor area of at least fifty thousand (50,000) square feet.

Commemorative plaques shall mean memorial signs and tablets, building name and erection date, symbols and similar emblems that are a permanent design element of a building or other structure.

Construction sign shall mean a sign which identifies the persons, firms or businesses directly connected with a construction project.

Dilapidated sign shall mean a sign that is no longer in a good state of repair, and is not visually attractive and functional, or has become a health or safety hazard.

Directional sign shall mean an on-site sign which is designed and erected solely for the purposes of directing vehicular and pedestrian traffic within a project. Such a sign shall contain no advertising copy.

District shall mean any zoning district designated in the zoning regulations of the City.

Directory sign shall mean an identification sign listing the tenants of a building, complex or multi-tenant space. Directory signs shall not include any logos or advertising.

Double-faced sign shall mean a sign constructed to display its message on the outer surfaces of two (2) identical and/or opposite parallel planes.

Exterior display wall shall mean a colonnade or a wall with openings designed as an architectural feature at the front edge of an automobile dealership's display lot, designed to provide continuity with adjacent buildings and to improve appearance at the sidewalk.

Externally illuminated shall mean illumination by a light source located outside of and not attached to the surface of the sign. Illuminated tubing and strings of lights outlining portions of buildings shall be considered externally illuminated signs.

Erected shall mean attached, altered, built, constructed, reconstructed, enclosed or moved, and shall include the painting of wall signs.

Face of sign shall mean the entire surface of a sign upon which copy can be placed.

Flag shall mean any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol.

Flashing sign shall mean any sign which is perceived as an intermittent or flashing light.

Fraternal organization shall mean a group of people associated or formally organized for a common purpose, interest or pleasure, which shall include lodges, social halls, and union halls.

Freestanding sign shall mean a sign fixed in an upright position on the ground not attached to a building or any structure other than a framework or device, erected primarily to support the sign.

Fundraising event sign shall mean a temporary sign announcing a fundraising drive or event of a civic, philanthropic, educational or religious organization. Political campaign signs are not included under this category.

Garage sale sign shall mean a sign with a message advertising the resale of personal property that has been used by the resident.

Governmental buildings. For the purpose of this article, shall mean and include: City, County, State and Federal buildings.

Grand opening sign shall mean a temporary sign or banner erected one (1) time only for a limited period of time to announce the opening of a new business.

Height shall mean the vertical distance from the uppermost point used in measuring the area of a sign to the ground immediately below such point or the level of the upper surface of the nearest curb of the street upon which the sign fronts, whichever measurement is the greatest.

Historic sign shall mean any signs that have been determined by the Historic Advisory Board to have historic merit.

Identification sign shall mean a sign which serves to tell only the name, address, business and/or profession of the occupant, or use of the building upon which the sign is located, and which may include an emblem, insignia or logo.

Illegal sign shall mean a sign erected in violation of the laws in effect at that time, and not in conformance with the regulations of the Alameda Municipal Code at the time of adoption of this article.

Informational sign shall mean any sign which is designed and erected solely for the purpose of communicating information for the safety or convenience of the public, such as telephone, danger, rest rooms.

Institutional uses shall mean uses such as schools, churches, fraternal organizations, community, governmental, and public recreational facilities, hospitals and convalescent homes.

Internally illuminated shall mean a sign whose light source is located in the interior of the sign so that the rays go through the face of the sign.

Light source shall mean a bulb or tube from which light is emitted when it is activated, including but not limited to incandescent filament bulb, electric discharge bulb, neon tube, and fluorescent tube.

Marquee shall mean a permanent structure extending over the entrance to a building, attached to and supported by the building or freestanding and self supporting.

Menu reader board shall mean any sign intended to provide information to patrons while using a drive-through facility.

Menu, window sample shall mean a copy of a restaurant's regular tableside or take out menu(s), placed in the window for the intent of allowing pedestrians to view such information as the restaurant's food items, hours of availability and prices.

Moving sign shall mean a sign which has any actual or apparent moving parts, activated in any way by mechanical or electrical devices or by wind currents. Signs which change or appear to change color or intensity of lighting shall be included.

Multiple-faced sign shall mean a sign constructed to display its message on a curbed surface or on two (2) or more planar surfaces.

Nonconforming sign shall mean any advertising structure or sign which was lawfully erected and maintained prior to the adoption of this article, and which has subsequently come under the requirements of this article, with which it does not completely comply.

Nonilluminated shall mean neither directly nor indirectly lighted and containing no material that is made for the purpose of being reflective or fluorescent.

Official sign shall mean a sign or signs required by governmental body to discharge its legally required function.

Off-premises directional sign shall mean a sign identifying a publicly owned facility, emergency facility, tenants within a business park, temporary subdivision signs, which are no greater than thirty (30) square feet in area. Such facilities and business parks may have no more than two (2) off-premises directional signs. Real estate signs are not included in this definition.

Off-premises sign shall mean any sign identifying a use, facility, service or product which is not located, sold, or manufactured on the same premises as the sign or which identifies a use, service or product by a brand name which, although sold or manufactured on the premises, does not constitute the principal item for sale or manufactured on the premises.

On-premises sign shall mean any sign identifying a use, facility, service or product which is located, sold, or manufactured on the same premises as the sign.

Parking lot shall mean an area of land which is accessible and usable for the off-street parking of motor vehicles, except for land designated for product display by new and used automobile dealers.

Pennant shall mean a long, narrow, usually triangular flag.

Permanent sign shall mean any sign for which a sign permit is issued with no time limit in accordance with the provisions of this article. Any mention of signs in this article shall be considered to mean permanent signs unless there is a specified time limit or reference to temporary (e.g., promotional) signs.

Political campaign sign shall mean a sign designed for the purpose of advertising support of or opposition to a candidate or proposition for a public election.

Portable freestanding sign shall mean a sign that is designed to be movable and is not structurally attached to the ground, a building, structure, or any other sign. Included are signs built in the configuration of an "A" or an "I" frame, and signs mounted on rollers or slides.

Privilege sign shall mean a standardized sign supplied at nominal cost or free to a retailer where a portion of the sign face identifies the products of a regional or national distributor or manufacturer available only incidentally on the premises, and a portion of the sign identifies the local retailer. Signs identifying the primary commodity, service or activity available on the premises, such as signs for auto dealerships, gasoline stations and chain stores and businesses, shall not be included in this category.

Promotional sign shall mean any temporary sign or device (other than permanent signs used to identify the business' or organization's name) used for advertising, examples of which include but is not limited to the promotion of limited time offers of gifts, products or sale prices.

Projecting sign shall mean any sign which is suspended from or supported by a building or wall and which projects outward therefrom. Signs suspended under a porch or permanent walkway covering shall be included.

Real estate sign shall mean a type of temporary sign indicating that a property or any portion thereof is open for inspection, for sale, for rent, or otherwise available or directing people to such a property. Temporary subdivision signs are not included under this definition.

Recreational facilities for the purposes of this article, shall mean and include public parks, and facilities for physical recreation such as golf, tennis, swimming and boating.

Reflective sign shall mean a sign which is not electrically illuminated, but which responds to light, such as from passing auto headlights by shining or glowing.

Roof sign shall mean any sign erected upon or above the roof or parapet of any building, including any porch, marquee, walkway covering, or similar roof like structure.

Seasonal decorations shall mean temporarily erected greetings, ornamentation and displays that relate to an established and recognized holiday, such as July 4 or Christmas, which contain no advertising.

Seasonal sales sign shall mean a temporary sign or banner erected for a limited period of time to identify a seasonal business such as Christmas tree lots.

Sign structure shall mean any device whose primary function is to support a sign.

Single-faced sign shall mean a sign constructed so that its message is displayed on a single plane, and is viewable from only one (1) side of the plane.

Streamer shall mean any, ribbon-like flag or banner that relies on wind motion to attract attention.

Subdivision sign shall mean a sign containing the name, location, or directions to a builder, developer, and pertinent information about a subdivision for which there is a properly approved and recorded map, and in which homes or units in a building remain to be constructed, completed or initially sold.

Temporary sign shall mean any sign or advertising display, including all forms of "promotional signs" as defined by this section, which is typically but not necessarily either made of paper, poster board, cardboard, cloth, canvas, fabric, plywood or other light materials, or painted directly onto windows, and is designed or intended to be displayed for a short period of time.

Vehicular sign shall mean a vehicle which has a sign mounted or painted thereon which is used primarily as the sign structure and not as a vehicle.

Wall sign shall mean any outward-facing sign affixed to a building or fence, at no point projecting more than six (6") inches horizontally from the surface upon which it is attached.

Window display shall mean any collection of merchandise or artifacts, arranged in a three-dimensional display behind a window, typically intended to provide pedestrians with a visual display of the items available for sale. The term "window display" excludes "window sign" as defined by this section, but may include incidental price labels on the items being displayed.

Window sign shall mean any sign: (a) painted on, affixed to, or placed adjacent to, a window, door or opening or located inside within a distance of three (3') feet or less from a window, door or opening, or any sign located behind a window or door or within an opening; and (b) designed to be viewed from the outside of the building. The term "window sign" excludes "window display" as defined by this section.

(Ord. No. 2938 N.S. § 3)

30-6.3 - General Requirements on On-Premises Signs.

This subsection provides regulations pertaining to all on-premise signs, and prescribes the maximum number of permanent on-premises signs and temporary promotional on-premise signs, and the maximum total area of such signs, that is permitted. The following subsection, "30-6.4 Requirements by Sign Type," prescribes additional limitations for the placement and size of specific types of permanent on-premises signs (e.g., "awning," "wall," "window" signs).

a. *Regulations Pertaining to All On-Premises Signs:*

1. Permit Required for All Permanent Signs. In order to assure compliance with the regulations of this section, no permanent sign (including signs that do not require building permits) may be installed until a sign permit has been issued. Sign permit applications shall be filed with the Planning Department, and reviewed by the Planning Director, or person so designated. To grant a sign permit, the Planning Director must find that the proposed sign(s):
 - A. Are consistent with all applicable General Plan policies, all sign regulations of Section 30-6 of the Alameda Municipal Code, and all provisions of the City of Alameda Design Review Manual that may apply to the project type or site;

- B. Exhibit a design and materials that are appropriate for the site and compatible with adjacent or neighboring building surroundings.
- 2. Banners May Not be Used as Permanent Signs. Except where permitted as a temporary grand opening sign, banners may not be used as a sign to identify a business. Banners, regardless of mounting, may not be used as a permanent sign.

Signs Not Included in Allowable Maximums. Exempt signs, temporary signs other than promotional signs, and conforming off-premises signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site.

- 3. Maximum Permitted Area of Any One Individual Sign. The maximum area for any sign shall be fifty (50) square feet unless a smaller area is required by other regulations prescribed in the section.

b. *Number of Signs Allowed.*

- 1. The maximum number of permanent on-premises signs per first floor use allowed for each building frontage in any zoning district is two (2), exclusive of directional signs and window signs.
- 2. The signs may be multiple-faced and in any combination except that a business or other use, other than a use with a drive through facility, may not have:
 - (a) More than one (1) freestanding sign per lot.
 - (b) More than one (1) projecting sign per use.
 - (c) A combination of one (1) projecting sign and one (1) freestanding sign.
- 3. Notwithstanding the above prohibition on more than one (1) freestanding sign, uses with drive through facilities may be allowed to install a maximum of two (2) additional freestanding signs, but only to serve as menu reader boards and primarily viewable only from vehicles in the use's driveway.
- 4. The allowable number and type of business oriented directional signs shall be approved on an individual basis by the Planning Director.
- 5. See subsection 30-6.3c.1.(c) below for number of signs allowed for non first floor uses.

c. *Sign Area Allowed.*

- 1. Business. The maximum total sign area shall be determined by measuring the building frontage of the business.
 - (a) Except as provided in subsection (c) below, the total allowable sign area for a first floor business with a single building frontage shall be one (1) square foot of sign area per linear foot of building frontage, with a minimum allowed sign area of up to twenty-five (25) square feet and a maximum of one hundred (100) square feet.
 - (b) For a first floor business with more than one (1) building frontage, or which occupies more than one (1) building, each building frontage shall be considered separately. The total sign area for any single first floor business shall not exceed one hundred fifty (150) square feet.
 - (c) Multiple Occupancy Building:
 - (1) First floor tenants whose businesses are visible from a public street, walkway or parking lot shall be entitled to a sign area based on the amount of building frontage used by that tenant, with an allowed sign area of up to twenty-five (25) square feet.
 - (2) Second story tenants shall be entitled to either: one (1) window identification sign which shall not occupy more than twenty-five (25%) percent of the area of any one (1) window; or one (1) awning sign no larger than five (5) square feet.

- (3) Tenants above the first floor level, and tenants whose businesses are not visible from a public street, shall be entitled to signs as part of a directory sign, either freestanding or mounted on the building frontage; three (3) square feet maximum per tenant.
 - (d) Home Occupation: One (1) non-illuminated sign not exceeding two (2) square feet in area shall be allowed.
- 2. *Non-residential Complexes, Shopping Centers, Residential Subdivisions, Mixed-Use Projects, Historic Districts and other Planned Development Projects:*
 - (a) Individual standards shall be set for each project. Requirements for similar uses discussed in this article shall serve as guidelines.
 - (b) All signs, temporary and permanent, shall be approved by the Planning Director pursuant to a coordinated signing program. The program shall coordinate the following items:
 - (1) Location, number, size and mode of display.
 - (2) Colors, materials and illumination.
 - (3) Temporary signs: duration of use.
- 3. *Multiple-Residential.* The maximum total sign area for multiple-residential development shall be as follows:
 - (a) Apartments, condominiums [three to ten (3-10) units]: Ten (10) square feet.
 - (b) Apartments, condominiums [above eleven (11) units]: Twenty (20) square feet.
 - (c) Shared living: Ten (10) square feet.
 - (d) Convalescent homes: Fifteen (15) square feet.
 - (e) Bed and breakfast facilities: Four (4) square feet.
- 4. *Professional Office.* The maximum total sign area shall be as set forth in subsection 30-6.3c.1. above for businesses, plus the following maximum total sign area per building frontage:
 - (a) Residential districts: Five (5) square feet.
 - (b) All other districts: Twenty (20) square feet identification sign, and a directory sign, three (3) square feet per tenant up to a maximum of thirty-six (36) square feet.
- 5. *Hospitals.* The maximum total sign area shall be one hundred fifty (150) square feet.
- 6. *Religious, Educational, Governmental, Recreational.* The maximum total sign area shall be twenty (20) square feet.
 - (a) Nursery schools, day care, group care and family care centers: Fifteen (15) square feet.
- 7. *Charitable, Social, Fraternal, Union.* The maximum total sign area shall be fifteen (15) square feet.
- 8. *Construction Site:* One (1) on-premises temporary sign not exceeding thirty-six (36) square feet in area. Duration shall be limited to the period of construction. (A use permit is required in all residential zoning districts, as regulated under subsection 30-21.3.)

(Ord. No. 2938 N.S. § 3)

(Ord. No. 3027 N.S., § 3, 3-1-2011; Ord. No. 3168 N.S., § 4, 11-15-2016; Ord. No. 3183 N.S., § 11, 7-5-2017)

30-6.4 - Requirements by Sign Type.

a. *Calculation of Sign Area.*

1. *Single-faced signs:* The area shall be that within the outer-most border or edge of the sign.

2. *Double-faced signs:* The area shall be that within the outermost edge of one (1) face of the sign.
 3. *Multiple-faced signs and three (3) dimensional shapes:* The area shall be the area of their maximum projection upon a vertical plane.
 4. *Borderless signs:* The area shall be that within a single polygon drawn with straight lines and right angle corners to enclose all sign parts.
 5. *Awning signs:* The area shall be the sum of the sign areas on each plane of the awning. The area of each sign shall be calculated in the same manner as for borderless signs.
 6. *Sign-support structures:* The area of sign-support structures other than posts or brackets, shall be calculated as sign area only when the appearance of such structures attracts attention for advertising, instructional or informational purposes.
 7. *Directional signs:* The area of business oriented directional signs shall be included within the total allowable sign area for the site.
- b. *Wall Signs.*
1. Signs shall be located only on building frontages which are adjacent to a public street, walkway or parking lot.
 2. Signs shall not at any point project from the surface upon which they are attached more than required for construction purposes and never more than six (6") inches.
 3. Signs shall be placed no closer to either side of an adjacent business wall than a distance equal to ten (10%) percent of the length of the wall. Signs placed closer shall be subject to twenty-five (25%) percent loss in total allowable sign area.
- c. *Window Signs.*
1. Signs shall be permitted only for windows, doors or openings as set forth in the definition of "window sign" that are located on the first and second floors of the building frontage.
 2. Signs shall be mounted on the inside of or painted on windows, doors or openings as set forth in the definition of "window sign."
 3. No permanent and/or temporary window sign shall be larger than ten (10) square feet, and shall not occupy more than twenty-five (25%) percent of the area of any one (1) window. For the purposes of this section, window shall mean the area defined by the framing of the window. Exempt signs, as described in subsection 30-6.7, and window displays as defined by this section, shall not be considered "window signs" for the purpose of determining compliance with this subsection.
- d. *Projecting Signs.*
1. Signs shall be mounted only on the building frontage of a business.
 2. Signs shall not be permitted for residential uses.
 3. Signs shall be limited to street level for street level uses.
 4. The design configuration and location of the sign shall not block the visibility of other signs on adjoining businesses.

(a) Projection and area:

Business Frontage	Maximum Projection	Maximum Sign Area
30 ft. or more	6 ft.	25 sq. ft

29 ft. or less	4 ft.	20 sq. ft.
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- (1) No sign shall project above the eave line of a building, or a sill of a second story window.
 - (2) All signs shall have a minimum vertical clearance of eight (8') feet from the ground to the bottom of the sign or sign structure.
 - (3) No sign shall project within two (2') feet of a curb line.
 - (b) Side set in for businesses with building frontage sharing common sidewalks:
 - (1) Businesses with a building frontage of more than thirty (30') feet, the sign shall be set in a minimum of fifteen (15') feet from each sidewalk.
 - (2) Businesses with a building frontage of thirty (30') feet or less, the sign shall be centrally located; adjacent businesses may stack signs along a common side wall if the signs are of compatible designs and material.
 - (c) Thickness: The maximum thickness of a projecting sign shall not exceed that required for construction purposes, and not exceed six (6") inches.
- e. Awning Signs.
1. Signs shall be located only on the building frontage of a business.
 2. Signs shall be limited to street level and second story occupancies.
 3. Signs may be located on more than one (1) plane of an awning and shall be considered as one (1) sign.
 4. The maximum sign area for an awning sign shall be thirty-six (36) square feet.
 5. The design configuration and location of the awning shall not block the visibility of other signs on adjoining businesses as seen by passersby on the street.
- f. Freestanding Signs.
1. Signs shall not be permitted in areas zoned for residential use, except for institutional uses.
 2. There shall be a minimum of seventy-five (75') feet between any two (2) freestanding signs. The purpose of this provision is to avoid one (1) freestanding sign blocking the visibility of another sign on an adjoining site.
 3. The maximum height for freestanding signs shall be as follows:
 - (a) Identifications sign: Twelve (12') feet.
 - (b) Subdivision and construction sign: Ten (10') feet.
 - (c) Directory sign: Eight (8') feet.
 - (d) Directional and informational sign: Six (6') feet.
 - (e) Exempt signs: Six (6') feet.
 4. Signs shall not project over public property or vehicular easement or right-of-way.
 5. Landscaping shall be provided at the base of the supporting structure or the freestanding sign shall be incorporated into landscaped areas as determined by the Planning and Building Director.
 6. Sign area shall be allowed as follows:
 - (a) Square footage allotted to a building may be transferred to a freestanding sign in lieu of its use on the building up to a maximum of thirty (30) square feet (area of one (1) face).
 - (b) When there is no building on the lot, or when a building does not cover the entire frontage of a lot, additional

square footage for use on the freestanding sign shall be allowed at the rate of one-half (½) square foot per linear front foot of that portion of the lot on which there is no building, up to a maximum of thirty (30) square feet (area of one (1) face).

g. *Marquee Signs.*

1. Signs shall be mounted only on the front and sides of a marquee.
2. Signs shall not project more than six (6") inches from the face of the marquee.
3. Signs shall not extend above the top or below the bottom of the marquee.
4. The maximum total area for marquee signs shall be twenty-five (25) square feet.

h. *Privilege Signs.*

1. The type of sign and its materials and colors shall be compatible with the architectural style of the building upon which it is to be located.
2. No more than twenty-five (25%) percent of the total sign area available under subsection 30-6.3 may be used to advertise the supplier of the sign.

i. *Directory Signs.*

1. Directory signs shall not display any logos or advertising.

(Ord. No. 2938 N.S. § 3)

30-6.5 - Variances Limited to Certain Provisions of Sign Regulations.

The provisions of Section 30-21 of this article shall apply only to subsections 30-6.3.b: "Number of Signs Allowed," 30-6.3.c: "Sign Area Allowed," and 30-6.4: "Requirements by Sign Type."

(Ord. No. 2938 N.S. § 3)

30-6.6 - Illumination of Signs.

- a. No artificial exterior light used for the purpose of lighting any sign shall be so located as to result in the directing of light on to or reflecting glare upon any adjacent property or public right-of-way.
- b. External light sources shall be directed and shielded to prevent direct illumination of any object other than the sign.
- c. No brightly illuminated signs shall be allowed in, or within two hundred (200') feet and facing any residential zoning district. (Exception: hospitals.)
- d. Light source shall utilize energy efficient fixtures.

(Ord. No. 2938 N.S. § 3)

30-6.7 - Signs Exempt.

The following types of signs shall be exempt from the provisions of these regulations:

- a. *Regulatory Sign.* Any sign erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance or governmental regulation.
- b. *Bench signs*, when located at designated public transit bus stops.
- c. *Commemorative plaques*, if installed and maintained by government agencies or recognized historical societies and organizations.
- d. *Emblems and Symbols.* Religious symbols, legal holiday decorations and identification emblems of religious sects,

orders or historical societies.

- e. *Vehicle Signs.* Signs on licensed commercial vehicles, including trailers; provided, however, that such vehicles shall not be utilized as parked or stationary outdoor display signs.
- f. *Business District Directory Signs.* Signs provided by the City for pedestrian identification of nearby businesses.
- g. *Address.* Street number and street name not exceeding two (2) square feet in area per single family or duplex unit, and four (4) square feet in area for all other uses.
- h. *Affiliation Sign.* Signs not exceeding one-half (½) square foot in area per sign, and six (6) in number per business.
- i. *Barber pole,* but shall contain no advertising.
- j. *Flags.* Flags of any nation or political jurisdiction shall be exempt provided that the pole height for flags mounted on poles shall not exceed twenty-five (25') feet, except upon approval of a design review application which includes photographs and drawings submitted by the applicant, in order to achieve compatibility of scale with nearby large buildings and landscaping, and provided that the length of the flag shall be no more than one-quarter (¼) of the height of the pole. Weather flags, nautical flags and pennants when displayed on boats, in marinas, or on any land area within fifty (50') feet of water frontage, shall be exempt provided that they shall be primarily viewed from the water and void of any commercial intent.
- k. *Gasoline Sign.* Pump signs identifying the type and octane rating shall be permanently affixed to the pump, not to exceed two (2) square feet in size and two (2) in number per pump for each gasoline type dispensed. Price signs readable from adjacent streets shall be in accordance with the requirements of the Business and Professional Code of California as to wording, coloring and size of letters and numerals, and shall not exceed five (5) square feet in area.
- l. *Historic Sign.* Any signs that have been determined by the Historic Advisory Board to have historic merit.
- m. *Hours of Operation Signs.* Signs displaying such information as the hours of operation, emergency contacts and whether or not a business is open or closed. Such signs shall not exceed two and a half (2.5) square feet.
- n. *Interior Sign.* Signs located within the interior of any building, mall, arcade, complex or structure and not visible from any public street, walkway or parking lot.
- o. *Residential Nameplate.* One (1) sign not exceeding two (2) square feet in area per single family or duplex unit.
- p. *Crime Prevention Neighborhood Watch Signs.* Signs identifying an area participating in a police department approved Neighborhood Watch Program. The allowable number, location and design of said signs shall be approved on an individual basis by the Planning Director. Maximum sign area: three (3) square feet; minimum ground clearance: seven (7') feet; maximum height: nine (9') feet.
- q. *Signs Designating Drug Free Zones.* Signs identifying the City of Alameda as a Drug Free Zone area. Maximum sign area: three (3) square feet; minimum ground clearance: seven (7') feet; maximum height: nine (9') feet.
- r. *Hospital Directional Signs.* Off-premises signs directing uses to twenty-four (24) hour emergency care facilities. The copy of such signs shall consist of "H," and/or "Hospital," and/or an arrow and shall not contain any advertising in the form of the specific facility name or logo. The allowable numbers, location and height of said signs shall be approved by the Planning Director and City Engineer. The total sign area in square feet for all signs mounted on the same pole or other structure at each location shall not exceed three (3') feet in area, excluding arrow.
- s. *Non-Commercial, Political, Religious or Public Service Signs.* Signs containing noncommercial, political, religious or public service messages provided that these signs are used exclusively to display such messages and comply with the applicable advertising structure controls in subsection 6-3 of Chapter VI of this Code.

- t. *Menu, window display*, provided total area of posted menus does not exceed two (2) square feet (e.g., an area 12" b Window menu displays in excess of two (2) square feet may be permitted as window signs, subject to the limitations: number of signs, and area of signs, prescribed by subsections 30-6.3 and 30-6.4.
- u. *Portable Freestanding Signs*. Notwithstanding other code sections regulating portable freestanding signs, portable freestanding signs are exempt when each of the following conditions are met:
 - (a) Sign is limited to one (1) per tenant;
 - (b) Sign will not exceed four (4') feet in height, nor three (3') feet in width;
 - (c) Sign area will not exceed eight (8) square feet per side;
 - (d) Sign is placed adjacent to the building frontage where the business is located;
 - (e) Sign location will be entirely within the first three (3') feet of the sidewalk, starting at the building face;
 - (f) Sign placement maintains a clear pedestrian access area of at least five (5') feet and does not block street corner, pedestrian crossings, visibility zones, Americans with Disabilities Act (ADA) ramps, ADA parking, bus stop zones or fire exits;
 - (g) Sign shall remain standing and shall not be locked or chained or in any other way attached or secured to public property (e.g. trees, parking meters, street lights, other permanent structures); and
 - (h) Sign is removed daily and whenever the business is closed.

(Ord. No. 2938 N.S. § 3)

(Ord. No. 3082 N.S., § 1, 11-19-2013)

30-6.8 - Temporary Signs.

In addition to exempt signs, and the permanent signs permitted by this section, the following types of temporary signs are permitted, subject to the following regulations and limitations. All temporary signs, other than promotional signs, are exempt from the number and size limitations prescribed by subsections 30-6.3 and 30-6.4. The time limitations for specific types of temporary signs are prescribed below:

- a. *Closed for Vacation or Remodeling Sign*. One (1) sign not exceeding two (2) square feet that specifies a reopening date and which is removed no later than the day following the reopening date.
- b. *Fundraising Event Sign*. One (1) sign not exceeding four (4) square feet in area per parcel or business for all parcels zoned for residential use, and sixteen (16) square feet in all other zoning districts; located on private property, with the owner's permission, for a maximum of thirty (30) days and removed within two (2) days after the event.
- c. *Garage Sale*. On-premises signs and directional off-premises signs, for not more than two (2) days prior to and removed within one (1) day after the sale.
- d. *Grand Opening Sign*. Signs or banners erected one (1) time only, for a maximum of thirty (30) consecutive days, and not exceeding fifty (50) square feet in area per sign. All grand opening signs shall state, using letters at least one (1") inch in height, the date the sign was installed.
- e. *Political Campaign Sign*. Temporary signs on behalf of candidates for public office and for or against ballot measures, to be removed no later than two (2) days after the election.
- f. *Promotional Sign*. One (1) window sign may be located inside or outside the glazed area of each building elevation with a street frontage, for a maximum of thirty (30) consecutive days, and cumulative for a maximum of ninety (90) days per year subject to the limitations on maximum window sign area prescribed by subsection 30-

6.4.c. All promotional signs shall state, using letters at least one (1") inch in height, the date the sign was installed.

- g. *Real Estate Sign.* Real estate signs may be located in any zoning district, but may only be located on private property (subject to the granting of the owner's permission), and are subject to the following limitations:
1. On-premises signs shall be located in accordance with the following:
 - (a) One (1) on-premises sign is permitted for the time period that the indicated property is available for sale or rent. For single family dwellings or duplexes, the sign area shall not exceed four (4) square feet in area. For multi-family dwellings, commercial, or industrial uses, the sign area shall not exceed sixteen (16) square feet in area.
 - (b) In addition, one (1) on-premises sign indicating the property is open for inspection not exceeding four (4) square feet in area. This sign may not be placed more than two (2) hours prior to the open house and must be removed within two (2) hours after the open house.
 - (c) In addition, up to three (3) on-premises sign riders indicating information such as the agent's name and phone numbers, home warranties offered, or instructions on viewing the property. Each rider shall not exceed one (1) square foot.
 2. Off-premises signs are limited to a maximum of six (6) per open house, not exceeding four (4) square feet in area per sign. Signs may not be placed on public property except for medians of public roads and sidewalks. Signs may not be placed on medians or sidewalks in a manner which obstructs pedestrian or vehicular traffic, or lines of sight. These signs may not be placed more than two (2) hours prior to the open house and must be removed within two (2) hours after the open house.
- h. *Seasonal Decorations.* Seasonal decorations are permitted, providing that they are not installed more than forty-five (45) days prior to, and removed not more than seven (7) days after a holiday.
- i. *Seasonal Sales Signs.* Signs to identify a seasonal business may be erected for a maximum of thirty (30) consecutive days. Wall, fence, free-standing signs and banners shall not exceed twenty-five (25) square feet in total area. The same signs cannot be reused for sixty (60) consecutive days. Dilapidated signs cannot be reused. Permission shall be obtained from the Planning and Building Director unless exempt under subsection 6-3.7.
- j. *Special Event Signs.* Signs or banners with a holiday message identifying a civic or public event or holiday, and erected in any zoning district on private property with the owner's permission for not more than thirty (30) consecutive days and are removed within two (2) days following the event. Permission shall be obtained from the Planning and Building Director unless exempt under subsection 6-3.6. Banners to promote such special events may be located within vehicular rights-of-way, subject to the approval of the City Manager, and compliance with Bureau of Electricity, Building Inspection and Public Works Department regulations. California State Department of Transportation approval may also be necessary for banners within the vehicular rights-of-way.

(Ord. No. 2938 N.S. § 3)

30-6.9 - Prohibited Signs.

- a. *Obscene or Offensive to Morals.* Signs containing statements, words, or pictures of an obscene, indecent or immoral character which appeal to the prurient interest in sex, or which are patently offensive and do not have serious literary, artistic, political or scientific value are prohibited.
- b. *Hazards to Traffic.* Other than when used for traffic direction, signs which contain or are an imitation of official traffic signs or signals are prohibited. No sign shall be erected in such a manner that its size, location, content, colors, or illuminations will interfere with, obstruct, confuse or mislead traffic.
- c. *Hazards to Exits.* No sign shall be erected in such a manner that any portion of the sign or its support is attached to,

or will interfere with, the free use of any fire escape, exit, or standpipe. No sign shall be erected which will obstruct any required stairway, door, ventilator or window.

- d. *Roof Locations.* Signs erected upon or extending above any part of a roof or false roof structure are prohibited.
- e. *Motion Devices.* Signs utilizing flashing lights, changing of color intensity, or mechanical moving parts are prohibited including all moving signs. (Exceptions: historic signs, barber poles and, with a use permit, animated signs but only if determined by the use permit to have outstanding artistic merit.)
- f. *Excess Area.* Signs in excess of fifty (50) square feet.
- g. *Windblown Devices.* Except for exempt flags and banners, use of windblown or inflatable devices of any type is prohibited, including the production of smoke, bubbles, sound, or other substances.
- h. *Portable Freestanding Sign.* Portable freestanding signs on the public right-of-way are prohibited except for temporary service station and real estate signs, and signs in compliance with Section 30-6.7.u. Such signs may not be placed on medians or sidewalks in a manner which obstructs pedestrian or vehicular traffic, or lines of sight.
- i. *Signs on Vehicles.* No vehicle may be used as a platform or substitute for a billboard or any other type of sign, whether on private property or within a public right-of-way.
- j. *Natural Despoliation.* Signs cut, burnt, limed, painted or otherwise marked on a rock, tree or field are prohibited.
- k. *In Storage.* Signs shall not be located on a premises so as to be visible from off of the site prior to erection or while in storage.
- l. *Dilapidated Signs,* except Historic Signs.
- m. *Abandoned Signs,* except Historic Signs.
- n. *Miscellaneous Signs and Posters.* The posting or painting of signs not otherwise defined or permitted in this article.

(Ord. No. 2938 N.S. § 3)

(Ord. No. 3082 N.S., § 2, 11-19-2013)

30-6.10 - Abatement of Nonconforming On-Premises Signs.

Any on-premises sign which does not conform to the regulations of this section shall be removed by the owner or possessor thereof within the period of time prescribed herein and the surface on which the sign was mounted or attached shall be patched, painted and otherwise repaired to remove all evidence of the former sign.

- a. Signs with the following prohibited characteristics shall be abated immediately:

- 1. Obscene or offensive to morals;
- 2. Hazard to traffic;
- 3. Hazard to exits;
- 4. Vehicular sign;
- 5. Portable advertising signs.

- b. The following prohibited signs shall be abated within thirty (30) days:

- 1. Motion devices;
- 2. In storage signs;
- 3. Wind blown devices;
- 4. Abandoned signs.

- (a) Continuation of abandoned sign: The owner or future user of an abandoned sign who desires to make

subsequent use of the sign itself shall, within thirty (30) days of the abandonment, give written notification to the Planning and Building Director, and if approved by the Planning and Building Director resume use of the abandoned sign within thirty (30) days of the Planning and Building Director's approval. In the case of a sign structure, such written notification shall be given within one hundred eighty (180) days of the date of abandonment and the structure reused within one (1) year of such date.

5. Dilapidated signs;

6. Damaged Sign. Damaged to the extent of fifty (50%) percent of its current replacement value.

- c. All other nonconforming on-premises signs shall be abated either after the expiration of the useful life of the sign(s) for Federal income tax purposes or after a period equal to the number of years obtained by dividing the total cost of the sign(s) when installed by five hundred (500), whichever comes first, provided however, that no less than three (3) years from the effective date of this section* ^[1] shall be allowed for amortization.

(Ord. No. 2938 N.S. § 3)

Footnotes:

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* *Editor's Note: As added by Ordinance No. 2028 N.S. effective January 2, 1981.*

30-6.11 - Removal of Nonconforming Signs.

Any sign that is in noncompliance with the regulations of this section shall be removed prior to or upon the date designated for removal in the above abatement schedule. If the owner of, or the person or persons responsible for, the sign fails to remove the nonconforming sign, the owner of the premises upon which the sign is located shall be responsible for the removal of the sign and the work shall be done within ninety (90) days following the date of non-conformance. The procedure for the removal of all nonconforming signs shall be as follows:

- a. The Planning and Building Director, or his/her designated representative, may cause the removal of any nonconforming sign and supporting structure and shall charge the costs incurred against any of the following, each of whom shall be jointly and severally liable for said charges; provided, however, that any decision or determination of the Planning and Building Director may be appealed in accordance with the general provisions as set forth in paragraph c.:
 1. The permittee;
 2. The owner of the sign;
 3. The owner of the premises on which the sign is located;
 4. The occupant of the premises on which the sign is located.
- b. A sign and supporting structure removed by the City shall be held not less than thirty (30) days by the City, during which time it may be recovered by the owner upon payment to the City for costs of removal and storage. If not recovered prior to expiration of the thirty (30) day period, the sign and supporting structures shall be declared abandoned and title thereto shall vest in the City and the cost of removal shall be billed to the owner.
- c. A person appealing the decision of the Planning and Building Director shall file a notice of appeal with the Secretary of the Planning Board within fifteen (15) days of the decision. The Planning Board shall hear the appeal. The decision of the Planning and Building Director shall be affirmed unless the appellant establishes that the sign(s) has not yet become nonconforming pursuant to subsection 30-6.15.
- d. Nothing in this subsection shall be construed to relieve the owner of the sign or the premises on which the sign is located, the permittee or the occupant of the premises on which the sign is located from the duty of removing

sign(s) at the time required by this section.

- e. Removal by the Planning and Building Director, or his/her designated representative is an alternate procedure and nothing in this subsection shall be construed as a limitation on the authority of the City to abate nonconforming uses under this section as a nuisance pursuant to Section 1-5 of this Code. All nonconforming signs are declared hereunder, as well as under Section 1-5, a public nuisance.

(Ord. No. 2938 N.S. § 3)

30-6.12 - Special Requirements for Auto Dealerships within Auto Row.

All other sign regulations shall apply to auto dealerships within auto row except as provided in this subsection:

a. *Number of Signs Allowed.*

1. The maximum number of on-premises signs shall be six (6) per auto dealership, exclusive of directional signs, and a maximum of three (3) signs per building side. Signs may be posted on the street facade of a building or a building facade facing a parking lot, provided that the lot is used by the same dealership.
2. An exterior display wall shall be considered a building frontage for purposes of sign placement. All exterior display walls shall be subject to design review.
3. The signs may be multiple-faced and in any combination except that a business may not have:
 - (a) More than one (1) freestanding sign per lot;
 - (b) More than one (1) projecting sign per auto dealership;
 - (c) A combination of one (1) projecting sign and one (1) freestanding sign.
4. Directional Signs. Each auto dealership may have a maximum of three (3) vehicle oriented safety and directional signs solely for the purpose of guiding traffic, parking, and loading or private parking inside the property, and not bearing advertising materials or business identification. Maximum sign area shall be four (4) square feet. Maximum height for freestanding signs shall be four (4') feet. Additional directional signs may be permitted by design review, based on a finding of necessity. Directional signs shall not be included in the computation of total number of signs nor total signage allowed.

b. *Sign Area Allowed.*

1. The maximum total sign area shall be determined by measuring the building frontage of the auto dealership.
 - (a) The total allowable sign area for an auto dealership shall be one (1) square foot of sign area per linear foot of building frontage, with a minimum of twenty-five (25) square feet and a maximum of two hundred (200) square feet.
 - (b) A component or department of an auto dealership, such as service and repair, which is on a separate parcel from the dealership shall be considered a separate business but shall comply with all sign regulations of Section 30-6, and the additional provisions of subsection 30-6.12 shall not apply.
 - (c) The maximum area for any sign shall be one hundred fifty (150) square feet.

c. *Window Signs.*

1. Signs shall not occupy more than twenty-five (25%) percent of the window area, except that a larger percentage may be covered in conjunction with a special event for a maximum of four (4) periods per calendar year, but in no case is the time period to exceed twenty (20) days per year, subject to approval of

the Planning and Building Director, upon submission of a written request. Time periods during which such larger window displays are allowed shall be included in the total time for special events as specified under point (e)(1) below.

d. *Freestanding Signs.*

1. The maximum height of freestanding identification signs shall be twelve (12') feet.
2. Freestanding signs are not subject to the seventy-five (75) foot separation requirement set out in subsection 30-6.4(f)2 but shall be placed to assure no view blockage of existing signs.

e. *Special Events Decorations.*

1. Special events decorations, including banners, and flags, except balloons, pennants and streamers, may be permitted in conjunction with a special event for a maximum of four (4) periods per calendar year, but in no case is the time period to exceed twenty (20) days per year, subject to approval of the Planning and Building Director, upon submission of a written request. Time periods during which window displays covering more than twenty-five (25%) percent of the window area are allowed, as specified under point (c)(1) above, shall be included in the total time for special events.
2. Balloons, pennants and streamers may not be used at any time.

(Ord. No. 2938 N.S. § 3)

30-6.13 - Off-Premises Signs—General Regulations.

Off-premises outdoor advertising signs, where permitted, shall not:

- a. Exceed fifty (50) square feet;
- b. Be located on the roof of a building;
- c. Be located within:
 1. One thousand (1,000') feet of another off-premises outdoor advertising sign which does not conform to the provisions of paragraph a. where both of the signs do not conform to the provisions of paragraph a.; or
 2. One hundred (100') feet of another off-premises outdoor advertising sign where one (1) or both of the signs conform to the provisions of paragraph a.
- d. Excepting off-premises directional signs, be visible from a building or lot in a residential district;
- e. Excepting off-premises directional signs, be visible within one thousand (1,000') feet of any bridge, tunnel, dock or boat ramp;
- f. Be located so that a motorist would view the sign as adjacent to or behind a traffic signal or sign from a distance of one hundred (100') feet or less from the nearest curblineline of the cross street at the intersection controlled by the traffic signal;
- g. Excepting off-premises directional signs, be located on a route designated on the General Plan as a scenic route;
- h. Excepting off-premises directional signs, be located on or adjacent to a parcel of land containing a structure listed on the historical building study list;
- i. Be located in residential or C-1 Districts.

(Ord. No. 2938 N.S. § 3)

30-6.14 - Off-Premises Directional Signs.

Off-premises directional signs require use permit approval pursuant to subsection 30-21.3.

(Ord. No. 2938 N.S. § 3)

30-6.15 - Off-Premises Signs—Abatement Schedule.

Any off-premises sign which does not conform to the regulations of this section shall be removed by the owner or possessor thereof at the earliest of the following occurrences:

- a. The expiration of the useful life of the sign or signs for federal income tax purposes;
- b. The recovery of the owner's investment, including cost of installation, as measured by the sum of the net income earned. Net income earned shall mean gross revenues earned less expenses of operation and administration and a provision for ten (10%) percent return on invested capital;
- c. The passage of fifteen (15) years from the date of completion or acquisition of the sign;
- d. The passage of five (5) years from February 16, 1973 (the effective date of Ordinance No. 1683); or
- e. One (1) year shall be added to the applicable paragraph a. through d. to compensate the owner for the cost of removal.

(Ord. No. 2938 N.S. § 3)

30-6.16 - Conflicts with other Provisions.

- a. Where there is a conflict between the regulations of this section and the regulations of any other section of this Code, the regulations of this section shall prevail; provided, however, that the regulations of other sections shall prevail in the following cases:
 1. Where the regulations of any other section are more restrictive;
 2. Where a Planned Development District has been established in accordance with the procedure set forth in subsection 30-4.13 paragraphs a. through n. of this Code, provided that any such Planned Development District regulations shall include comprehensive sign regulations encompassing the entire Planned Development District area.
- b. Nothing contained in Section 6-3 of this Code shall be construed to authorize or permit any sign prohibited or regulated by this section.

(Ord. No. 2938 N.S. § 3)

30-7 - OFF-STREET PARKING, ELECTRIC VEHICLE CHARGING, AND TRANSPORTATION DEMAND MANAGEMENT REGULATIONS.

Footnotes:

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Editor's note— Ord. No. 3309, § 5, adopted November 16, 2021, repealed the former § 30-7, subsections 30-7.1—30-7.19, and enacted a new § 30-7 as set out herein. The former § 30-7 pertained to off-street parking and loading space regulations and derived from Ord. No. 535 N.S.; Ord. No. 1277 N.S.; Ord. No. 2375 N.S.; Ord. No. 2784 N.S.; Ord. 2920 N.S.; Ord. No. 2943 N.S.; Ord. No. 2989 N.S.; Ord. No. 3030 N.S., adopted April 19, 2011; Ord. No. 3168 N.S., adopted November 15, 2016; Ord. No. 3074 N.S., adopted May 21, 2013; Ord. No. 3183 N.S., adopted July 5, 2017 and Ord. No. 3184 N.S., adopted July 5, 2017.

30-7.1 - Purpose and Intent.

The off-street parking, electric vehicle charging, and transportation demand management regulations are established in order to:

- a. Implement City of Alameda climate change, transportation, affordable housing, economic development, and historical preservation policy objectives established by the City of Alameda General Plan, Climate Action and Resiliency Plan, and Transportation Choices Plan;
- b. Relieve automobile congestion and provide for the safe, efficient, and equitable use of the public street network by pedestrians, bicyclists, transit, emergency vehicles, and automobiles; and
- c. Reduce the air pollution, storm water runoff, urban heat island effects, and greenhouse gas emissions generated by automobile use.

(Ord. No. 3309 N.S., § 5, 11-16-2021)

30-7.2 - Applicability.

The provisions of this section (Section 30-7) shall apply to all of the following development activities:

- a. New buildings;
- b. New dwelling units;
- c. Expansions of existing buildings that, in any ten (10) year period, would cumulatively represent more than twenty-five (25%) percent of the existing gross floor area.

When a development activity does not involve the provision of new off-street parking spaces, only subsections 30-7.6, Off-Street Bicycle Parking Requirements and 30-7.7, Transportation Demand Management Requirements shall apply.

(Ord. No. 3309 N.S., § 5, 11-16-2021)

30-7.3 - Off-Street Vehicle Parking Regulations.

Off-street vehicle parking shall be provided consistent with the following requirements:

- a. *No Minimum*. Except for the accessible parking spaces required by subsection 30-7.4, Off-street Parking for Persons with Disabilities, no off-street vehicle parking is required for any use.
- b. *Maximum Parking Spaces*. The ratios stated in Table A determine the maximum number of off-street vehicle parking spaces that may be provided for each land use.
- c. *Fractions*. When the calculation of permitted off-street parking spaces results in a fraction, the fraction shall be rounded up to allow for one off-street parking space.
- d. *Sites with Multiple Uses*. Where two or more primary uses occupy a single site, the maximum number of parking spaces permitted for each use shall be calculated separately, then summed to determine the total number of spaces permitted for the site. Uses ancillary to a primary use shall utilize the same ratio as the primary use.
- e. *Use Permit Required to Exceed Maximum*. The maximum number of permitted off-street parking spaces may be exceeded only upon issuance of an administrative use permit pursuant to Section 30-21.4, Administrative Use Permits, if, in addition to the findings of subsection 30-21.3(b), all of the following findings are made:
 - 1. Transportation demand management measures will reduce the need for the additional off-street parking;
 - 2. The additional parking demand cannot reasonably be accommodated through formal arrangements such as shared parking or reciprocal parking agreements that make use of other available off-site parking;
 - 3. There are unique characteristics of the users or the land use activity that result in a high level of automobile parking demand; and
 - 4. The project provides positive environmental, social, or other community benefits that outweigh the adverse

effects of additional parking, such as improving public safety, or improving and/or preserving access for pedestrians, cyclists or users of public transit. In its decision the Zoning Administrator may impose such conditions as are necessary to minimize transportation impacts from the increased parking.

- f. *Existing Nonconforming Parking Spaces.* If the number of existing off-street vehicle parking spaces on a site is greater than the number that would be allowed by Table A, the existing spaces in excess of the allowed maximums may be maintained, but the maximum parking ratios shall not be further exceeded unless a use permit is granted pursuant to subsection 30-7.3(e).
- g. *Uses Not Specified.* Uses not specified in Table A shall utilize the same rates as the most similar uses specified in Table A, as determined by the Planning Director based on demonstrated parking need for comparable uses.
- h. *Table A: Allowable Maximum Off-Street Parking Requirements.*

Land Use	Maximum Number of Spaces	Per
Accessory dwelling unit	1	unit
Dwelling unit	1.5	unit
Dwelling unit in the C-C, Community Commercial and NP-G, North Park Street Gateway Zoning Districts	1	unit
Shared living and similar uses	0.5	unit or room
Hotel, motel	1	guest room
Offices, research and development, life sciences, banks, financial services, institutional uses, community care facilities, hospitals, personal services, health clinics, industrial, distribution and other similar uses	2.5	1,000 square feet (s.f.) of floor area
Retail uses, grocery stores, commercial recreation	3	1,000 s.f.
Restaurants, bars, cafes, theaters and similar uses	7	1,000 s.f.

(Ord. No. 3309 N.S., § 5, 11-16-2021)

Any new or expanded parking facility shall be provided with the minimum number of spaces required to serve persons with disabilities in accordance with the requirements of the California Building Code (CBC). For the purposes of this subsection, the minimum number of accessible spaces required by the CBC shall be calculated based on the maximum number of spaces set forth in Section 30-7.3, Off-Street Vehicle Parking Regulations. Projects exceeding the maximum number of spaces permitted in Section 30-7.3 shall meet the CBC minimum requirements.

(Ord. No. 3309 N.S., § 5, 11-16-2021)

30-7.5 - Off-Street Electric Vehicle (EV) Charging Requirements.

Electric vehicle charging facilities shall be provided and maintained for projects whenever off-street parking is provided, including in existing parking facilities. The number and type of charging facilities provided shall meet the following requirements. Where two (2) or more primary uses occupy a single site, the EV parking required for each use shall be calculated separately, then summed to determine the total number of spaces permitted for the site. Uses ancillary to a primary use shall utilize the same requirement as the primary use.

- a. *Residential Use—With Private, Dedicated Garage.* One (1) parking space provided shall be a Level 2 EV Ready Space.
- b. *Residential Use—Multifamily Shared Parking Facilities.* Twenty-five (25%) percent of parking spaces provided shall be at least a Level 2 EV Ready Space. Twenty-five (25%) percent of spaces provided shall be at least a Level 1 EV Ready Space.
- c. *Nonresidential—Offices, research and development, life sciences, banks, financial services, institutional uses, community care facilities, hospitals, personal services, health clinics, industrial, distribution, hotels/motels and other similar uses with daily parking demand.* Ten (10%) percent of parking spaces provided shall be equipped with an installed electric vehicle charging station. Thirty (30%) percent of parking spaces provided shall be Level 2 EV Capable. One 80kW Direct Current Fast Charger may be substituted for up to five (5) Electric Vehicle Charging Stations.
- d. *Nonresidential—Retail uses, grocery stores, commercial recreation, restaurants, bars, cafes, theaters or similar uses with hourly parking demand.* Ten (10%) percent of parking spaces provided shall be equipped with an installed Electric Vehicle Charging Station. One 80kW Direct Current Fast Charger may be substituted for up to five (5) Electric Vehicle Charging Stations.
- e. *Automatic Load Management Systems (ALMS) permitted.* Nothing in this subsection excludes the use of Automatic Load Management Systems in parking facilities. ALMS systems must be designed to deliver a minimum of 8-amperes and not less than 1.4-kiloWatts at the provided voltage, to each EV Capable, EV Ready or EVCS space served by the ALMS.
- f. *Non-proprietary infrastructure.* Electric vehicle supply equipment installed pursuant to this subsection shall be compatible with a broad range of electric vehicle makes and models.
- g. *Definitions:*
 1. *Level 1 EV Ready Space* shall mean a space that is served by a complete electric circuit with a minimum of 110/120 volt, 20-ampere capacity including electrical panel capacity, and such additional elements deemed necessary by the Building Official.
 2. *Level 2 EV Ready Space* shall mean a space that is served by a complete electric circuit with a minimum of 208/240 volt, 40-ampere capacity including electrical panel capacity, and such additional elements deemed necessary by the Building Official, or b) electric vehicle supply equipment (EVSE) with a minimum output of 30

amperes.

- 3. *Level 2 EV Capable* shall mean a parking space linked to a listed electrical panel with sufficient capacity to provide at least 208/240 volts and 40-amperes to the parking space. Raceways linking the electrical panel and parking space only need to be installed in spaces that will be inaccessible in the future, and such additional elements deemed necessary by the Building Official.
- 4. *Electric Vehicle Charging Station (EVCS)* shall mean a parking space that includes installation of electric vehicle supply equipment (EVSE) with a minimum capacity of thirty (30) amperes connected to a circuit serving a Level 2 EV Ready Space. EVCS installation may be used to satisfy a Level 2 EV Ready Space requirement. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the California Electrical Code, Article 625.
- 5. *Automatic Load Management Systems (ALMS)*: A control system which allows multiple EV chargers or EV-Ready electric vehicle outlets to share a circuit or panel and automatically reduce power at each charger, providing the opportunity to reduce electrical infrastructure costs and/or provide demand response capability.
- h. *Exceptions.* The Planning Director or Planning Board may authorize exceptions to the EV charging requirements of this section for one hundred (100%) percent affordable housing development if such exception is required to address cost constraints, unique site constraints, or any unique or special characteristics of the use.

(Ord. No. 3309 N.S., § 5, 11-16-2021)

30-7.6 - Off-Street Bicycle Parking Requirements.

Secure long- and short-term bicycle parking spaces shall be provided consistent with the following requirements:

- a. *Number of Spaces Required.* Table B states the minimum number of bicycle parking spaces that shall be provided for each land use.
- b. Uses not specified in Table B shall utilize the same rates as the most similar uses specified in Table B as determined by the Planning Director based on demonstrated bicycle parking need for comparable uses. Bicycle parking shall be designed consistent with the City of Alameda Bicycle Facility Design Standards.
- c. *Dedicated Private Garages.* Dwelling units with private, dedicated garages are considered as having satisfied the requirement for long-term bicycling parking spaces.
- d. *Table B: Minimum Number of Bicycle Parking Spaces.*

Land Use	Long-Term Spaces	Short-Term Spaces
Dwelling unit	1 per unit	2 per 10 units or portion thereof
Hotel, motel	1 per 25 rooms (2 minimum)	2 per 25 rooms or portion thereof
Shared living and similar uses	0.5 per unit or room	2 per 25 rooms or portion thereof

Multiple-family senior housing, transitional and supportive housing, and similar uses with shared or no garage	1 per 10 units (2 minimum)	2 per 20 units or portion thereof
Residential care facility	1 per 20 employees or 70,000 square feet (s.f.) floor area, whichever is greater (2 minimum)	1 per 25 rooms (2 minimum)
Retail, grocery store, commercial recreation	1 per 10,000 s.f. (2 minimum)	1 per 2,000 s.f. floor area (2 minimum)
Office, research and development, life science, and similar employment uses	1 per 5,000 s.f. floor area (2 minimum)	1 per 5,000 s.f. floor area (2 minimum)
Restaurants, bars, cafes, theaters, entertainment	1 per 5,000 s.f. floor area (2 minimum)	1 per 1,500 s.f. floor area (2 minimum)
Banks, financial services, institutional uses, hospitals, and health clinics	1 per 10,000 s.f. floor area (2 minimum)	1 per 2,000 s.f. floor area (2 minimum)
Industrial, distribution and similar uses	1 per 10,000 s.f. floor area (2 minimum)	1 per 10,000 s.f. floor area (2 minimum)
Public parks and outdoor recreational uses	To be determined within the context of the conditional use permit process for the proposed use.	

- e. *Design Standards.* Bicycle parking shall be designed consistent with the City of Alameda Bicycle Facility Design Standards.
- f. *Manual Lifting.* For projects requiring at least ten (10) long-term bicycle parking spaces, spaces that require the user to manually lift the bicycle vertically two (2') feet or more off the ground shall not constitute more than thirty (30%) percent of the total spaces. All other spaces shall not require lifting the bicycle or be equipped with mechanical or other built-in assistance to secure the bicycle.
- g. *Other Bicycle Types.* For projects requiring at least ten (10) long-term bicycle parking spaces, a minimum of ten (10%) percent of spaces shall accommodate bicycles that might not fit in traditional racks such as cargo bikes, adult tricycles and electric bicycles with wider tires.
- h. *Use of Public Right-of-Way.* Short-term bicycle parking may be located in the public right-of-way, subject to an

Encroachment Permit or other Public Works Director approval.

- i. *Exceptions.* The Planning Director or Planning Board may authorize exceptions to the requirements of the minimum number of bike parking spaces stated in Table B, location, or the design standards, if such exception is required to address unique site constraints, any unique or special characteristics of the use, or is appropriate to provide improved access to bicycle parking facilities.

(Ord. No. 3309 N.S., § 5, 11-16-2021)

30-7.7 - Transportation Demand Management Requirements.

Transportation Demand Management (TDM) programs shall be implemented to relieve automobile congestion and provide for the safe, efficient, and equitable use of the public street network by pedestrians, bicyclists, transit, emergency vehicles, and automobiles; and to reduce the air pollution, storm water runoff, urban heat island effects, and greenhouse gas emissions generated by automobile use, consistent with the following requirements:

- a. *TDM Program.* Any development or project under Section 30-7.2 that will result in a net increase of one hundred ten (110) vehicle trips per day onto the public street network as determined by the Institute of Transportation Engineers (ITE) Trip Generation Manual shall implement a TDM Program designed to reduce the number of vehicle trips generated by the project. The TDM program shall implement measures and/or improvements designed to change individual travel behavior to encourage greater use of alternative modes of transportation to reduce single-occupancy vehicle trips, vehicle miles traveled, and parking demand.
- b. *Unbundled Parking.* The cost of private residential parking in a shared common parking facility shall be unbundled from the price of the housing unit such that potential renters or buyers shall have the option of renting or purchasing a dwelling unit at a price lower than would be the case if there were a single price for both the dwelling unit and the parking space. The following rules shall apply to the sale or rental of parking spaces in new multi-family residential buildings of ten (10) units or more:
 1. All off-street parking spaces shall be leased or sold separately from the rental or purchase fees for the individual units for the life of the units, such that potential renters or buyers have the option of renting or buying a unit at a price lower than would be the case if there were a single price for both the unit and the parking space(s).
 2. Potential buyers and renters of affordable residential units have an equal opportunity to buy or rent parking spaces on the same terms and conditions as offered to the potential buyers and renters of market rate units, at a price proportional to the sale or rental price of their units as compared to comparable market rate units. This stipulation shall be included in any agreement recorded between the City and the developer pertaining to the affordable housing units.
 3. Affordable units that include financing requirements that conflict with these provisions may be granted an exception from these provisions by the Planning Director or Planning Board.

(Ord. No. 3309 N.S., § 5, 11-16-2021)

30-7.8 - Off-Street Parking Improvement, Location, and Dimensional Requirements and Standards.

Off-street vehicle parking spaces are subject to the following requirements and standards:

- a. *Improved Surface.* All parking areas and access driveways shall have a smoothly graded, stabilized, all weather and dustless surface with adequate drainage so that damage will not be caused to adjacent properties, nor will such water drain across a public walk. Appropriate bumper guards or curbs shall be provided, where needed, in

order to define parking spaces or limits of paved areas.

- b. *Landscaping.* For unenclosed parking lots, a minimum of one (1) tree for every four (4) parking spaces shall be provided to reduce heat island effect and create a tree canopy throughout the parking lot. Unenclosed parking spaces next to the walls of adjacent buildings or property lines shall be separated from such by a minimum three (3') feet of landscaped area. Backup areas and driveways shall have a minimum of one (1') foot of landscaped separation from property lines as measured from inside of curb, or adjacent pavement if no curb. Any unenclosed parking space or backup area that is adjacent to a public street shall be separated from the public street or sidewalk by a minimum of five (5') feet of landscaped area.
- c. *Location on Site.* No parking space for a residential building may be located in any minimum required front yard, or in any minimum required side yard on the street side of any corner lot. No parking spaces for a non-residential building shall be located between the main building(s) and the street frontage(s). Parking spaces located between the main building(s) and the street frontage(s) may be approved through design review if it can be demonstrated that:
 - 1. To locate the parking in conformance with subsection 30-7.8(b) would not constitute a change in the existing conditions on the site, or
 - 2. The nature of the proposed use or the configuration of the property requires that some or all of the parking be located in front of the building, and
 - 3. The design of the parking area and driveways will not adversely impact pedestrian, bicycle, vehicular, or transit visibility, as defined by subsection 30-5.14(b)10 or access in the vicinity of the site as determined by the Public Works Director.
- d. *Wheel Stops.* Where parking is provided perpendicular or angled into a public or private sidewalk or other pedestrian or bicycle pathway, wheel stops or other appropriate measures such as extending the curb and landscaped area as described below shall be utilized to prevent encroachment by parked vehicles. The required parking space lengths may, for nonparallel spaces, be reduced by up to one and one-half (1½') feet, with the curb to serve as a tire stop. The one and one-half (1½') feet wide area that would otherwise be paved as part of the parking space (i.e. the "overhang" area), shall either be landscaped (with lawn or ground covers not exceeding six (6") inches in height), or if abutting a walkway, shall be paved with material similar to that of the walkway.
- e. *Lighting.* Parking areas shall be adequately illuminated to ensure public safety. Lighting shall be so designed and located to shield light from adjoining properties and shall not cause a glare hazardous to pedestrians or auto drivers. The maximum height of a parking lot light standard shall be twenty-five (25') feet. All light fixtures in residential zones, or on parcels adjacent to any residential use, shall be limited to "full cut-off" type illumination. Ground level illumination shall not exceed a minimum standard of two (2) foot candles, with a ratio no greater than fifteen to one (15 to 1) between the highest and lowest areas of illumination. In a residential zone, or on a parcel adjacent to any residential use, the permitted minimum standard is reduced to one-half (½) foot candles. Any proposal for parking lot lighting that would vary from the above standards is subject to approval by the Planning Director.
- f. *Physical Clearance.* All parking backup and driveway access areas shall have a minimum vertical clearance of seven (7') feet, except handicapped parking and access areas which shall have eight (8') feet vertical clearance. Parking spaces shall be maintained free and clear of obstruction except as necessary to accommodate landscape wells, supporting structures for parking lifts, and other parking facility elements approved by the Planning Director.
- g. *Access Design.* Parking areas with five (5) or fewer spaces may be designed for vehicles to back out onto the street. All other parking areas shall be designed for vehicles to enter and exit in a forward direction, unless

otherwise permitted by the Public Works Director.

- h. *Residential Driveway Width.* For residential uses, a minimum driveway width of eight and one-half (8½') feet and a maximum of ten (10') feet is permitted. Driveways that provide access to two (2) or more adjacent single car garages, if separated from each other by a landscaped strip not less than three (3') feet wide, are measured as individual driveways when determining compliance with this subsection.
 1. Exceptions to the ten (10') foot limitation for residential driveways may be permitted to: (i) allow a maximum width of up to sixteen (16') feet in order to provide access to a two (2) car garage located no further than fifty (50') feet from the lot's street frontage(s); or (ii) allow a "flare out" that provides adequate maneuvering area to a multi car garage located more than fifty (50') feet from the lot's street frontage(s), subject to approval by the Public Works Director.
- i. *Commercial Driveway Width.* For non-residential uses, a driveway occupying no more than forty (40%) percent of lot frontage or twenty (20') feet in width (whichever is less) is permitted. For service stations a maximum driveway width of forty (40') feet is permitted.
- j. *Driveway Location.* The centerline of an access driveway where it connects to a street shall be at least thirty-five (35') feet from the nearest street right-of-way line of an intersection, unless otherwise permitted by the Public Works Director.
- k. *Curb Cuts.* No more than one (1) curb cut per lot shall be allowed per parcel, or if one use is occupying multiple parcels with cross access easements, per use, except for service stations where access shall be limited to a maximum of two (2) curb cuts, unless otherwise approved by the Planning and Public Works Directors.
 1. Notwithstanding subsection (k) above, new curb cuts for automobile access to new, expanded, or existing off-street parking lots are prohibited on Park Street and Webster Street frontage within the C-C zoning district, as well as crossing any Class IV separated bikeways that are built or part of an adopted plan. Existing curb cuts may be relocated, or access may be provided from a side street, provided that the property does not already include one (1) curb cut on the side street or has sufficient frontage on the side street to safely accommodate the additional curb cut, as determined by the Public Works Director. If access cannot be provided from an existing, relocated, or side street curb cut, then the project applicant may request a waiver of this requirement as approved by the Planning and Public Works Directors.
- l. *Regular Spaces.* At least fifty (50%) percent of the provided parking spaces shall be not less than eight and one-half (8½') feet wide by eighteen (18') feet long exclusive of access driveways and backup areas. The parking space length shall be increased to twenty-one (21') feet for parallel spaces. Trees, bollards, poles or other obstructions shall not encroach into these dimensions.
- m. *Compact Spaces.* A maximum of fifty (50%) percent of the provided parking spaces may be compact car spaces, at least seven and one-half (7½') feet wide by fifteen (15') feet long. When more than three (3) compact spaces are provided immediately adjacent to one another, spaces shall be not less than eight (8') feet wide. All compact spaces shall be clearly marked "COMPACT." The parking space length shall be increased to eighteen (18') feet for parallel spaces. Trees, bollards, poles, or other obstructions shall not encroach into these dimensions.
- n. *Backup Area.* Minimum backup areas for parking spaces shall be as listed below. When standard and compact spaces share the same backup area, the backup depth for standard spaces shall be utilized.

Angle of Parking	Backup Area Depth		
	Standard	Compact	Residential

90	24'	23'	21'
70	19'	18'	16'
60	18'	17'	16'
50	15'	14'	13'
45	13'	12'	11'
40	12'	11'	11'
30	12'	11'	11'
Parallel	11'	11'	11'

(Ord. No. 3309 N.S., § 5, 11-16-2021)

30-8 - CONVERSION TO MULTIPLE HOUSES.

30-8.1 - General.

The conversion of any structure to a multiple house shall conform to the provisions of this section. No converted unit may be occupied until an occupancy permit has been issued by the Building Official. The Building Official shall issue an occupancy permit for buildings which have been converted in accordance with the provisions of this section and Article I of this chapter.

(Ord. No. 535 N.S. § 11-14D1; Ord. No. 1277 N.S.)

30-8.2 - Permitted Conversions.

The conversion of an existing residential unit or units to multiple family dwelling units is permitted when the conversion meets the requirements of:

- a. The zoning regulations;
- b. All current State and local structural, safety and utility codes;
- c. Design Review;
- d. Notice and relocation assistance plans approved by the Planning Board after hearing thereon;
- e. A structural pest report, prepared by a licensed operator; and
- f. The conversion does not significantly reduce rental units available in the price range below the median price range of apartments in Alameda or does not significantly reduce units which provide accommodations to disabled or transient persons.

(Ord. No. 535 N.S. § 11-14D2; Ord. No. 1277 N.S.)

30-8.3 - Other Conversions.

The conversion of structures which cannot meet the requirements of subsection 30-8.2 is permitted upon approval of the Planning Board. The Planning Board shall find that:

- a. The building was constructed prior to the date of this section;
- b. The Building Official has certified that there are no violations of codes or statutes applicable to structures involved. Codes or statutes shall be applicable if they were in effect at the time of construction or alteration of structures involved or are, in the opinion of the Building Official, health and safety provisions applicable to existing structures;
- c. The applicant has submitted a plan showing all feasible means for making structures, grounds and utilities conform to current codes and statutes and agrees, in writing, supported by a performance bond, to perform same as a condition of approval. The plan shall include a report from a registered engineer detailing the present condition of the building and expected useful life of all common structural and mechanical components of the conversion or, in lieu thereof, applicants may request, with the approval of the City Engineer, that the report be prepared by City personnel. The plan shall also include the structural pest report of a licensed operator;
- d. Compliance with the above plan to improve the property will provide sufficient amenities to persons purchasing property as a home. The Board may consider in making said determination the level of sound attenuation of structures, the probable life of structures, the availability of off-site and on-site parking and open space, the availability of storage and other facilities, laundry space and the condition of utilities.
- e. The subdivider has submitted a plan for tenant relocation assistance. The plan shall include a program for paying moving expenses and deposits as well as assisting tenants to obtain new housing if they are unable to purchase a unit in the project. The plan must give particular attention to the needs of elderly, handicapped, households with minor children and households of low and moderate income. The plan may include but is not limited to assistance such as extended or lifetime leases, purchase assistance such as tenant discounts and special loan programs. Assistance to tenants of low and moderate income may include subsidized rents in other buildings and assistance in qualifying for government housing programs such as Section 8. The Board shall not accept the tenant relocation assistance program unless the subdivider has demonstrated to the satisfaction of the Planning Board that all tenants can obtain affordable housing either through purchase of a unit, through available rentals in the vicinity or through an extended lease program.
- f. The conversion has been reviewed and reported upon by Design Review;
- g. Notice and relocation assistance can be satisfied by the applicants;
- h. Prior to approval of the final map, the subdivider shall submit lease forms and a final tenant assistance plan including all conditions attached to the conversion and tentative map approval. A copy of this plan shall be given to each tenant household before the final map is approved.
- i. Energy. The subdivider shall submit a plan describing proposed energy saving improvements which will be installed but not limited to insulation of exterior walls, ceilings, floors, ducts and water heaters, installation of energy saving appliances, use of pool covers and solar heating for pools.

(Ord. No. 535 N.S. § 11-14D3; Ord. No. 1277 N.S.)

30-8.4 - Applications.

Applications for conversion shall contain the following information to the satisfaction of the Planning Board:

- a. A verification that the conversion satisfies the requirements of subsection 30-8.2 or is capable of satisfying the requirements of subsection 30-8.3;
- b. Documents factually supporting the verification not already on file with the City and a list of documents on file with the City which support the verification;
- c. A rental structure of units over the last three (3) years including the vacancy factor;
- d. Where not previously approved, drawings necessary for design review;
- e. Names and addresses of current tenants, length of tenancy, number and ages of occupants, size of unit, income of tenants by category; below eighty (80%) percent; between eighty (80%) percent and one hundred twenty (120%) percent; and above one hundred twenty (120%) percent of median income in the San Francisco Standard Metropolitan Statistical Area and whether handicapped or not, on a form acceptable to the Planning Board.
- f. A copy of the proposed CC&R's, proposed Homeowners' Association fees, proposed sales price range of units, and comparative analysis of rental costs for prior years to costs of purchase and fees.
- g. Any other information requested by the Planning Director which is needed to determine whether the project is consistent with the requirements of this section.
- h. Where current parking requirements are not met, the number of cars owned by all tenants.

(Ord. No. 535 N.S. § 11-14D4; Ord. No. 1277 N.S.)

30-8.5 - Procedure.

- a. Prior to submitting an application for a condominium conversion the subdivider shall notify all tenants of his intent to convert to a condominium and provide each tenant with a copy of the proposed tenant relocation assistance plan described in subsection 30-8.3. No tenant rent will be increased from the date of this notice until six (6) months following the approval of the final map, or the tenant purchases a unit or relocates to other accommodations, whichever occurs first.
- b. Applicant shall also file sufficient copies of all information and diagrams reviewed by the Planning Board or Design Review and sufficient copies of all information and diagrams reviewed by other departments;
- c. The applicable departments shall review the application to determine conformity herewith and report their findings to the Planning Director;
- d. Conversions shall be approved or disapproved by the Planning Board within a reasonable period of time after all departments report to the Planning Director and the Building Official has filed his certification therewith pursuant to subsection 30-8.3b.
- e. Notice of hearing held pursuant to paragraph d. shall be given in the manner prescribed by subsection 30-21.7, and all tenants shall be given notice by mail thirty (30) days prior thereto.

(Ord. No. 535 N.S. § 11-14D5; Ord. No. 1277 N.S.; Ord. No. 1931 Exh. A No. 4)

30-8.6 - Relocation.

Persons converting buildings pursuant to this section shall:

- a. After receipt of the preliminary subdivision public report give notice of intention to convert in writing one hundred twenty (120) days in advance to tenants before they are required to relocate.
- b. Offer all tenants not in arrears of rental or leasehold payments, a nontransferable right of first refusal of purchase of his/her unit for sixty (60) days duration after receipt of a public report from the Real Estate

Commission.

- c. Notify all tenants occupying units subsequent to the notices given pursuant to subsection 30-8.5 of the intent to convert, or the approval hereunder to convert, before the tenant consents to a lease or rental agreement.
- d. The subdivider shall provide tenants not wishing to purchase with information on available apartments of comparable size, price and location within the City.

(Ord. No. 535 N.S. § 11-14D6; Ord. No. 1277 N.S.)

30-8.7 - Critical Ratio.

In order to protect the availability of rental housing for occupancy, no conversion of rental housing to multiple houses shall be permitted when the ratio of owner-occupied units exceeds sixty (60%) percent of the total number of dwelling units available.

(Ord. No. 535 N.S. § 11-14D7; Ord. No. 1277 N.S.)

30-8.8 - Expiration.

All approvals hereunder shall expire and become void if a final subdivision map is not filed therefor within two (2) years after the approval.

(Ord. No. 535 N.S. § 11-14D8; Ord. No. 1277 N.S.)

30-8.9 - Fees.

A fee for engineering and for planning plus costs by the hour shall be paid by every applicant for a conversion. A deposit for said costs shall be required for each dwelling unit. If the hourly rate exhausts said deposit, another deposit shall be made. The fee shall be set by City Council Resolution.

(Ord. No. 535 N.S. § 11-14D9; Ord. No. 1277 N.S.; Ord. No. 2579 N.S. § 1)

30-8.10 - Costs.

Applicant shall pay all costs of inspections and engineering reports done by the Public Works Department. There shall be a minimum charge for in lieu reports made pursuant to subsection 30-8.3c. The fee shall be set by City Council Resolution.

(Ord. No. 535 N.S. § 11-14D10; Ord. No. 1277 N.S.; Ord. No. 2579 N.S. § 2)

30-8.11 - Final Information.

Each quarter following approval of the final map for a period of two (2) years, the subdivider shall provide the following information to the Planning Department:

- a. Name, address, phone number and current fees for the Homeowners' Association.
- b. Status report on all units including sales price, financing available, number of units occupied by previous tenants, either as renters or buyers, number of units which are owner occupied, number of units which were purchased with intent to be used as rentals, number of occupants previously residing in Alameda, number of buyers who were formerly renters, new addresses of tenants who do not remain in the project.

(Ord. No. 535 N.S. § 11-14D11; Ord. No. 1277 N.S.; Ord. No. 2015 N.S.)

30-9 - ADULT ENTERTAINMENT ACTIVITY.

30-9.1 - In General.

The occupancy of any structure for adult entertainment activities shall conform to the provisions of this section, and all other applicable sections of this Article.

(Ord. No. 1849 N.S.)

30-9.2 - Definitions.

As used in this section:

Adult book store shall mean an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities, or specified anatomical areas, (as defined below), or an establishment with a segment or section devoted to the sale or display of such material.

Adult cabaret shall mean an establishment which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

Adult entertainment activity shall mean an adult book store, adult motion picture theater, peep show, adult cabaret, pool or billiard establishment, amusement hall or fortune-telling establishment.

Adult motion picture theater shall mean an enclosed building or drive-in theater used for presenting material distinguished or relating to specified sexual activities or specified anatomical areas, (as defined below) for observation by patrons therein.

Amusement hall shall mean an establishment in which more than five (5%) percent of the net floor area is devoted to pool tables, coin-operated movie projectors, or similar machines operated by an attendant, excluding pinball machines, video games and other game machines as defined in subsection 30-10.2.

Net floor area shall mean floor area devoted to or capable of being devoted to a lawful permitted or conditional use or uses and related accessory use(s), excluding walls, parking and loading spaces and areas, hallways, stairways, storage areas, bathrooms and mechanical equipment areas necessary for maintenance of the building.

Specified anatomical areas shall mean:

- a. Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and
- b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified sexual activities shall mean:

- a. Human genitals in a state of sex stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse or sodomy;
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Peep show shall mean a building used for the same purpose as outlined above, but in which movies are shown in individual cubicles or booths by separate coin-operated movie projectors.

Massage establishment is defined in subsection 6-46.2 of the Alameda Municipal Code.

(Ord. No. 1849 N.S.; Ord. No. 2150 N.S.; Ord. No. 2290 N.S.; Ord. No. 2330 N.S.; Ord. No. 2454 § 1; Ord. No. 2920 N.S. § 25)

(Ord. No. 3047 N.S., § 3, 6-6-2012)

30-9.3 - Permitted in C-2 Districts With Conditional Use Approval.

Adult entertainment activities are permitted in C-2 and less restrictive districts, with or without PD overlays, subject, except for adult book stores and theaters, to compliance with the conditional use requirements of subsection 30-21.3 of this chapter.

(Ord. No. 1849 N.S.; Ord. No. 2316 N.S.; Ord. No. 2454 N.S. § 1)

30-9.4 - Not Permitted in Certain Areas.

Adult entertainment activities are not permitted within five hundred (500') feet of any area zoned for residential use or within one thousand (1,000') feet of the same type of adult entertainment activity.

(Ord. No. 1849 N.S.; Ord. No. 2316 N.S.; Ord. No. 2454 § 1)

30-9.5 - Visibility.

Adult entertainment activities shall not be displayed so that specified sexual activities or specified anatomical areas are visible from public places.

(Ord. No. 2316 N.S.)

30-9.6 - Discontinuance of Nonconforming Adult Entertainment Activity.

Within one (1) year after the effective date of this section* all nonconforming adult book stores, adult motion picture theaters, peep shows, and cabarets shall be discontinued or made to conform, except that such activities may continue for up to an additional two (2) years upon the granting of a conditional use permit pursuant to subsection 30-21.3 of this article, except that the Planning Board must find, in lieu of the requirements of subsection 30-21.3, that the use, if conditioned, would not create a public nuisance and that the activity is either obligated by written lease of the premises exceeding one (1) year of the effective date of this section,* or that the activity involves investment of money in leasehold or other improvements such that a longer period is necessary to prevent undue financial hardship.

(Ord. No. 1849 N.S.; Ord. No. 2316 N.S.; Ord. No. 2454 N.S., § 1)

(Ord. No. 3047 N.S., § 4, 6-6-2012)

***Editor's Note:** As amended by Ordinance No. 2316 N.S., effective February 20, 1987.

30-10 - CANNABIS

30-10.1 - Commercial Cannabis Uses.

- a. *Findings.* This section establishes regulations governing the commercial cultivation, manufacture, distribution, delivery, testing, and sale of cannabis and cannabis products. The purpose of these regulations is to provide requirements and criteria to approve of cannabis businesses engaged in such uses. The City of Alameda finds it

necessary to establish such requirements and criteria in the interest of the public health, safety and welfare to regulate all cannabis-related uses.

- b. *Definitions.* The applicable definitions in the Alameda Municipal Code are incorporated by this reference, unless otherwise defined herein.
1. *Cannabis* means any and all parts of the plant *cannabis sativa linnaeus*, *cannabis indica*, or *cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this section, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.
 2. *Cannabis business* means a business or enterprise engaged in commercial cannabis activity.
 3. *Cannabis product* means cannabis that has undergone a process whereby the cannabis has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible, topical, or other cannabis-containing product.
 4. *Chief of Police* shall mean the Chief of Police of the City of Alameda Police Department or the Chief's designee.
 5. *Commercial cannabis activity* means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, sale, delivery, or provision of cannabis or cannabis products for commercial purposes, whether for profit or not.
 6. *Community Development Department* shall mean the Director of Community Development Department of the City of Alameda (or successor department), or his or her designee.
 7. *Concentrated cannabis* means the separated resin, whether crude or purified, obtained from cannabis.
 8. *Day care center* means any licensed child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school-age child care centers.
 9. *Delivery* means the commercial transfer of cannabis or cannabis products, for profit or not, to a customer by any means. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of cannabis or cannabis products. Delivery, however, shall not include commercial transfer of cannabis or cannabis products, for profit or not, by means of a self-service display, which is strictly prohibited.
 10. *Distribution* means the procurement, sale, and transport of cannabis or cannabis products between entities licensed pursuant to the Medicinal and Adult-Use of Cannabis Regulation and Safety Act and any subsequent State of California legislation or regulation regarding the same.
 11. *Edible cannabis product* means a cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.
 12. *Medicinal cannabis* or *medicinal cannabis product* means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician's

recommendation or other authorization permitted by State law.

13. *Permit* refers to any one (1) of the regulatory permits described in subsection c of Section 6-59.4 of Article XVI that affords the permittee the privilege of conducting the activity allowed under the regulatory permit.
14. *Person* shall mean and include a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, limited liability company, business, estate, trust, business trust, receiver, syndicate, organization, or any other group or combination acting as a unit, or the manager, lessee, agent, servant, officer or employee of any of them.
- c. *Permitted Uses*. The following are the permitted commercial cannabis land uses within the City of Alameda. Any commercial cannabis land use not expressly provided for in this section is deemed prohibited.
 1. *Cannabis retail* means the sale, delivery, or provision of cannabis or cannabis product to customers or members by any person, business, or organization.
 2. *Cannabis industry* means the possession, manufacture, distribution, processing, storing, laboratory testing, labeling, or transportation of cannabis or cannabis products, or some combination of the foregoing in accordance with State law, by any person, business, or organization for commercial purposes, whether for profit or not. This use also includes the production, preparation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container by any person, business, or organization.
 3. *Cannabis cultivation* means the production of clones, immature plants, seeds, and agricultural products used specifically for the propagation and cultivation of cannabis to mature plants. Except as provided for in the preceding sentence, cannabis cultivation shall not include any activity involving the planting, growing, harvesting, drying, curing, grading, trimming, or processing of cannabis, which is prohibited.
- d. *Applicability*. This section shall apply to the establishment of all land uses related to cannabis and cannabis products.
- e. *Home Occupations*. It is unlawful to engage in commercial cannabis activity as a home occupation as defined in Section 30-2b of this chapter.
- f. *Use Permit*.
 1. *Use Permit Requirement*. It is unlawful to engage in commercial cannabis activity, as such use classifications are described in subsection c above, without first obtaining a use permit.
 2. *Administrative Approval*. Use permits to engage in commercial cannabis activity may be approved by the Zoning Administrator where the Administrator determines that each of the criteria of subsection 30-21.3b, pursuant to Section 30.21.4 of the Alameda Municipal Code, are satisfied.
- g. *Permitted Locations*.
 1. No commercial cannabis activity shall be permitted on city-owned land or federal property.
 2. Notwithstanding Section 30-4 (District Uses and Regulations) of the Alameda Municipal Code, Cannabis Cultivation, as defined in the Alameda Municipal Code, may be conditionally permitted in the following zoning districts or locations:
 - i. C-M, Commercial Manufacturing District; and
 - ii. AP-E1, Alameda Point, Enterprise District 1, AP-E2, Alameda Point, Enterprise District 2, and AP-AR, Alameda Point, Adaptive Reuse subdistricts.
 3. Notwithstanding Section 30-4 (District Uses and Regulations) of the Alameda Municipal Code, Cannabis Industry, to the extent permitted by the Alameda Municipal Code, may be conditionally permitted in the following zoning

districts and locations:

- i. C-M, Commercial Manufacturing District;
- ii. AP-E1, Alameda Point, Enterprise District 1, AP-E2, Alameda Point, Enterprise District 2, and AP-AR, Alameda Point, Adaptive Reuse subdistricts; and
- iii. Office, research and development, and light industrial zones in the Marina Village Master Plan area.

4. Notwithstanding Section 30-4 (District Uses and Regulations) of the Alameda Municipal Code, Cannabis Retail, to the extent permitted by the Alameda Municipal Code, may be conditionally permitted in the following zoning districts and locations:

- i. C-1, Neighborhood Business District;
- ii. C-C, Community Commercial Zone;
- iii. C-M, Commercial Manufacturing District;
- iv. AP-AR, Alameda Point, Adaptive Reuse;
- v. NP-W, North Park Street Workplace subdistrict; and
- vi. NP-G, North Park Street Gateway subdistrict.

h. *Off-Street Parking.*

- 1. All sites where commercial cannabis activity is permitted shall at a minimum comply with the parking regulations in Section 30-7 of Chapter XXX of the Alameda Municipal Code. Cannabis manufacturing uses shall be subject to the same parking requirement as a manufacturing, major use under Section 30-7.6 and cannabis retail uses shall be subject to the same parking requirement as a general retail use.

i. *Lighting.*

- 1. All exterior lighting shall comply with Chapter XXX of the Alameda Municipal Code, and at a minimum, be fully shielded, downward casting and not spill over onto structures, other properties or the night sky.

j. *Business Conducted Within Building.*

- 1. No manufacturing, production, distribution, storage, display, retail, or wholesale of cannabis and cannabis-infused products shall be visible from the exterior of the building where the commercial cannabis activity is being conducted. All structures used for cultivation, shall comply with the setback requirements for the base zoning district and any applicable combining zoning districts. There shall be no exterior evidence of cultivation outside the structure.

k. *Conditions of Approval.*

- 1. All cannabis businesses shall comply with the general conditions set forth in Section 6-59.10 and all applicable specific conditions set forth in Section 6-59.11 of Article XVI of Chapter VI of the Alameda Municipal Code.
- 2. In approving a use permit for commercial cannabis activity, the city may also specify such additional conditions as it deems necessary to fulfill the purposes of this section and Article XVI of Chapter VI of the Alameda Municipal Code, including without limitation, conditions of approval to safeguard public health, safety, and welfare, address nuisance impacts to surrounding uses, and prevent a disproportionate burden on public services (e.g., police, fire, building, etc.) and may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

l. *Vesting of Use Permit.*

- 1. Notwithstanding Section 30-21.9 (Termination Due to Inaction) of Chapter XXX (Development Regulations) of the Alameda Municipal Code, a use permit, if granted, for commercial cannabis activity shall terminate one (1) year from the date of its granting, unless actual construction or alteration, or actual commencement of the authorized

activities, has begun under valid permits within such period, including without limitation the granting of a regulatory permit pursuant to Article XVI (Cannabis Businesses) of Chapter VI (Business, Occupations, and Industries) of the Alameda Municipal Code. An applicant may seek a one-time one (1) year extension to the use permit for good cause, but may only do so no earlier than sixty (60) days prior to expiration of the initial one (1) year term.

2. "Good cause" includes, but is not limited to, termination of the cannabis business' lease by the property owner; a change in federal, state or local law that now prohibits use of the previously approved location as a cannabis business; foreclosure or sale of the approved location resulting in the cannabis business' inability to enter into a new lease; damage to or deterioration to the building that prevents the safe use and/or occupation of the structure until all required repairs are made in conformity with a Notice and Order issued to the property owner by the City's Building Official pursuant to the California Code of Regulations and the Uniform Code for Abatement of Dangerous Buildings. However, if the cannabis business was responsible for the condition, including any non-permitted construction or alteration of the structure, or non-permitted electrical, mechanical or plumbing, "good cause" shall not be found.

- m. *Revocation or Modification.* A use permit approved under this section may be revoked or modified at any time following a public hearing in accordance with Section 30-21.3 of this chapter.

(Ord. No. 3206 N.S., § 2, 12-19-2017; Ord. No. 3227 N.S., § 1, 11-7-2018; Ord. No. 3237 N.S., § 1, 5-7-2019; Ord. No. 3239, § 1, 5-7-2019; Ord. No. 3278 N.S., § 6, 5-5-2020)

30-10.2 - Personal Cultivation of Cannabis.

- a. *Purpose.* The purpose of this section is to regulate and impose zoning restrictions on the personal cultivation of cannabis for lawful personal use (medicinal or adult-use) incidental to the residential use of the primary residential dwelling pursuant to State law. This section is not intended to interfere with a patient's right to use medical cannabis pursuant to the Compassionate Use Act, as may be amended, nor does it criminalize cannabis possession or cultivation otherwise authorized by State law. This section is not intended to give any person or entity independent legal authority to operate a cannabis business; it is intended simply to regulate and impose zoning restrictions regarding personal cultivation of cannabis in the City of Alameda pursuant to the Alameda Municipal Code and State law.
- b. *Authority.* The primary responsibility for enforcement of the provisions of this section shall be vested in the Community Development Department and the Chief of Police.
- c. *Definitions.* For the purpose of this section, unless the context clearly requires a different meaning, the words, terms, and phrases set forth in this section have the meanings given to them in this section:
 1. *Accessory structure* shall have the same meaning as set forth in Section 30-5.7 of this chapter.
 2. *Cannabis cultivation area*, means the maximum dimensions allowed for the growing of cannabis. For indoor cultivation areas, the cannabis cultivation area shall be measured in contiguous square feet using clearly identifiable boundaries of all area(s) that will contain cannabis plants at any point in time, including all of the space(s) within the boundaries, in the primary residential dwelling or permitted accessory structure.
 3. *Cultivate* or *cultivation* means any activity involving the planting, growing, harvesting, drying, curing, trimming, or processing of cannabis for personal use.
 4. *Primary caregiver* shall have the same definition as set forth in California Health and Safety Code Section 11362.7, as that section now appears, or may hereafter be amended or renumbered, but who does not receive remuneration for these activities except for compensation in full compliance with subdivision (c) of Section

11362.765 of the Health and Safety Code.

5. *Primary residential dwelling* shall mean the primary residential dwelling of the primary caregiver, qualified patient, or adult twenty-one (21) years of age or older who is eligible to cultivate cannabis for medicinal or adult use in compliance with this section.
6. *Qualified patient* shall have the same meaning as a patient that uses or ingests medicinal cannabis as that term is defined in Section 11362.7 of the California Health and Safety Code and who is entitled to the protections of California Health and Safety Code Section 11362.5, as may be amended.

d. *Personal Cultivation of Cannabis.*

1. A qualified patient or primary caregiver shall be allowed to cultivate and process cannabis within his/her primary residential dwelling in compliance with the standards established by subsection (e) of this section and subject to the following limitations:
 - i. Any cannabis cultivated is for the exclusive personal use of the qualified patient, and is not provided, sold, distributed, or donated to any other person.
 - ii. No more than six (6) living cannabis plants at any one (1) time per qualified patient for medicinal use may be cultivated at any primary residential dwelling.
 - iii. In the case of a primary caregiver, the foregoing limit shall apply to each qualified patient on whose behalf the primary caregiver is cultivating, but in no event shall that amount exceed thirty (30) cannabis plants to be cultivated at any primary residential dwelling.
 - iv. A copy of documentation of qualified patient status and/or primary caregiver status consistent with the provisions of California Health and Safety Code Section 11362.7 et seq. shall be maintained at the primary residential dwelling, including clear and adequate documentation, where applicable, evidencing that the qualified patient or primary caregiver may possess an amount of cannabis in excess of the limits set forth in the preceding paragraph (i), consistent with the patient's needs.
 - v. A qualified patient or primary caregiver shall not participate in medicinal cannabis cultivation in any other property within the City.
2. An adult person twenty-one (21) years of age or older shall be allowed to cultivate and process cannabis for personal use within his/her primary residential dwelling in compliance with the standards established by subsection (e) of this section and subject to the following limitation:
 - i. No more than six (6) living cannabis plants at any one (1) time may be cultivated for adult use within the adult person's primary residential dwelling, regardless of the number persons residing thereon.
3. Cannabis cultivation is prohibited in the common areas of a multi-unit residential development and in common areas of any commercial or industrial development.
4. Nothing in this section shall be interpreted to allow a qualified patient or primary caregiver to combine limits for medicinal and adult-use to exceed the limits set forth above.

e. *Standards for Personal Cultivation of Cannabis.*

1. To the extent that the city is required to allow the cultivation of cannabis for personal use and consumption under State law, the standards set forth in this section shall apply. Nothing in this section shall be interpreted to permit cultivation of cannabis for commercial purposes.
 - i. *Allowed Cultivation Areas.* Cannabis may be cultivated in the interior only of the primary residential dwelling, subject to the following limitations:
 - a) Cultivation of cannabis plants for personal use must be in full compliance with all the applicable

provisions of California law.

- b) Cultivation must occur in one (1) cannabis cultivation area in a single primary residential dwelling.
 - 1) For an adult person twenty-one (21) years of age or older or a qualified patient, the cultivation area shall be no more than one hundred (100) contiguous square feet.
 - 2) For primary caregivers, it shall be no more than one hundred (100) contiguous square feet for each qualified patient on whose behalf the primary caregiver is cultivating, but shall in no event be more than five hundred (500) contiguous square feet.
- c) The cannabis cultivation and processing area shall be in compliance with the California Building Code, California Fire Code, and other locally adopted life/safety codes, including requirements for electrical and mechanical ventilation systems.
- d) Interior cultivation and processing areas are restricted to one (1) room of a primary residential dwelling, or within a self-contained outside accessory structure that is secured, locked, and fully enclosed. The accessory structure shall comply with all requirements under section 30-5.7f (Accessory Buildings), and shall not be constructed or covered with plastic or cloth. If located in a garage, the cultivation or processing use shall not result in a reduction of required off-street parking for the residence, as required under Section 30-7.3 of this chapter. The primary residential dwelling shall maintain kitchen, bathrooms, and primary bedrooms for their intended use and not be used primarily for personal Cannabis cultivation or processing.
- e) Cannabis cultivation and the establishment or use of the cultivation and processing areas cannot cause nonconformity under the Alameda Municipal Code.
- ii. *Lighting and Electricity Restrictions.*
 - a) Any cannabis cultivation lighting shall not exceed one thousand two hundred (1,200) watts unless specifically approved in writing by the Building Official (or designee).
 - b) All electrical equipment used in the cultivation or processing of cannabis (e.g., lighting and ventilation) shall be plugged directly into a wall outlet or otherwise hardwired; the use of extension cords to supply power to electrical equipment used in the cultivation or processing of cannabis is prohibited.
- iii. Only cannabis cultivated at the primary residential dwelling in conformance with this section shall be allowed to be processed at the primary residential dwelling.
- iv. Any use of a compressed flammable gas or gas products (CO₂, butane, etc.) as a solvent or other volatile solvent in the extraction of THC or other cannabinoids, or cannabis cultivation or processing for personal use is prohibited.
- v. There shall be no exterior evidence, including but not limited to odor, view, or other indication of cannabis cultivation or processing on the property that is perceptible to a person with normal unaided vision standing at the property lines of the subject lot.
- vi. For the convenience of the qualified patient, primary caregiver, or adult person twenty-one (21) years of age or older, to promote building safety, to assist in the enforcement of this section, and to avoid unnecessary confiscation and destruction of cannabis plants and unnecessary law enforcement investigations, persons cultivating cannabis pursuant to this section may notify the City regarding the cultivation site. The names and addresses of persons providing such notice, or of cultivation sites permitted under these regulations shall not be considered a public record under the California Public Records Act or the City of Alameda's Sunshine Ordinance.
- vii. The cannabis cultivation and processing area shall not adversely affect the health or safety of the nearby

residents in any manner, including but not limited to by creating dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.

- viii. The cannabis cultivation or processing for personal use shall not adversely affect the health or safety of the occupants of the primary residential dwelling or users of the accessory building in which it is cultivated or processed, or occupants or users of nearby properties in any manner, including but not limited to creation of mold or mildew.
- f. *Public Nuisance.* It is declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any premises within the City of Alameda to cause or allow such premises to be used for the outdoor or indoor cultivation of cannabis plants, or processing thereof as described herein, or to process, cultivate or allow the cultivation of cannabis plants in any manner that conflicts with the limitations imposed in this section.
- g. *Enforcement.*
 - 1. The remedies provided by this section are cumulative and in addition to any other remedies available at law or in equity, including the civil and administrative enforcement and penalty provisions for municipal code violations set forth in Chapter I of the Alameda Municipal Code.
 - 2. Any person who violates any provisions of this section shall be guilty of a misdemeanor, subject to a penalty of imprisonment in the county jail for a period of time not to exceed six (6) months, or by a fine not to exceed the amount set forth in Chapter I of the Alameda Municipal Code, or both, for each violation. Notwithstanding the classification of a violation of this section as a misdemeanor, at the time an action is commenced to enforce the provisions of this section, the trial court, upon recommendation of the prosecuting attorney, may reduce the charged offense from a misdemeanor to an infraction.
 - 3. Any person convicted of an infraction under this section shall be punished by pursuant to Chapter I of the Alameda Municipal Code:
 - 4. The penalties provided for herein shall attach to each violation. For purposes of this section, a violation shall accrue for each day (or portion thereof) of the violation or for each individual item constituting the violation (e.g., cannabis plant).

(Ord. No. 3206 N.S., § 2, 12-19-2017; Ord. No. 3227 N.S., § 1, 11-7-2018; Ord. No. 3237 N.S., § 1, 5-7-2019)

30-11 - FIRING RANGES.

30-11.1 - Permitted Use.

Firing Ranges are permitted uses in R-1-AH30 zones, provided that they comply with the provisions of Section 4-33 of the Alameda Municipal Code.

(Ord. No. 2138 N.S.)

30-12 - ADDITIONAL REQUIREMENTS FOR BARS AND LIQUOR STORES.

30-12.1 - Definitions.

Reserved.

30-12.2 - Location of Bars.

No more than three (3) bars may be located within one thousand (1,000') feet of each other.

(Ord. No. 2229 N.S.)

(Ord. No. 3297 N.S., § 2, 3-16-2021)

30-12.3 - Permits Required.

Bars shall require a conditional use approval pursuant to Section 30-21 herein. A conditional use permit for a bar shall require annual review for compliance with conditions of approval.

(Ord. No. 2229 N.S.)

(Ord. No. 3297 N.S., § 2, 3-16-2021)

30-12.4 - Location of Liquor Stores.

A liquor store shall not be located within one thousand (1,000') feet of another liquor store within the following boundaries: Atlantic Avenue to Central Avenue and Sixth Street to Eighth Street, including the area therein if the streets were extended to intersect one another.

(Ord. No. 2229 N.S.; Ord. No. 2700 § 5)

30-13 - HAZARD PREVENTION ZONES.

30-13.1 - Definitions.

As used in this section:

Aircraft crash hazard shall mean any use of land, structure or natural growth which would:

- a. Direct a steady light or flashing light of red, white, green, or amber color associated with airport operations toward an aircraft engaged either in initial straight climb following take-off or straight flight final approach, other than FAA approved lights or signals or indicators.
- b. Cause sunlight to be reflected toward an aircraft engaged in a straight final approach toward a landing or initial straight climb following takeoff.
- c. Generate smoke or attract large concentrations of birds, or otherwise affect safe air navigation.
- d. Generate electrical interference detrimental to aircraft operations and/or instruments.

(Ord. No. 2339 N.S.)

30-13.2 - Hazard Prevention Zones.

The following hazard prevention zones are hereby established:

- a. The hazard prevention zone for Metropolitan Oakland International Airport established by the Alameda County

Airport Land Use Policy Plan.

- b. The hazard prevention zone for the Alameda Naval Air Station established by the Alameda County Airport Land Use Policy Plan.

(Ord. No. 2339 N.S.)

30-13.3 - Prohibited Uses.

Crash hazards are prohibited in hazard prevention zones.

(Ord. No. 2339 N.S.)

30-13.4 - Procedure.

All projects within hazard prevention zones shall be reviewed for compliance with this section pursuant to the procedures required to obtain applicable permits therefor.

(Ord. No. 2339 N.S.)

30-13.5 - Appeals.

The applicant, the Federal Aviation Administration, the Oakland International Airport and the Alameda Naval Air Station may appeal any decision hereunder pursuant to the appeal procedures applicable under Section 30-25 of this Code.

(Ord. No. 2339 N.S.)

30-14 - SATELLITE DISH ANTENNAS.

30-14.1 - General.

This section regulates the installation of satellite dish antennas in all zoning districts within the City.

(Ord. No. 2511 N.S. § 11-14J1)

30-14.2 - Findings and Declarations.

The installation of satellite dish antennas and equipment can, unless controlled, affect the aesthetic and safety values of residential, commercial and industrial areas. Therefore, the installation of these antennas and equipment is regulated to result in locations which are least visible from public rights-of-way and adjacent properties and to provide minimum installation standards, while preserving a customer's right to receive usable satellite signals.

(Ord. No. 2511 N.S. § 11-14J2)

30-14.3 - Definitions.

As used in this section:

Satellite dish antenna 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.

Usable satellite signals shall mean satellite signals, from the major communications satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations or by way of cable television.

(Ord. No. 2511 N.S. § 11-14J3)

30-14.4 - Development Standards.

- a. *Number.* No more than one (1) satellite dish antenna shall be permitted per parcel unless a satellite dish antenna permit is obtained.
- b. *Signage.* No signage of any kind shall be posted or displayed on any satellite dish antenna.
- c. *Color.* All satellite dish antennas not screened shall be painted with as unobtrusive a color as possible given the location.
- d. *Location.* In residential zoning districts, no portion of any satellite dish antenna may be located in any required yard set back. In nonresidential zoning districts, no portion of any satellite dish antenna may be located within twenty (20') feet of the front property line, or within ten (10') feet of the street side property line on a corner lot, or within fifteen (15') feet of a residential zoning district.
- e. *Height.* Satellite dish antennas may not exceed twenty (20') feet in height, at the point of highest projection from the ground.
- f. *Wiring.* All electrical and antenna wiring shall be placed underground or otherwise screened from view.
- g. *Permanent Mounting.* All satellite dish antennas shall be permanently mounted in a secure wind-resistant manner. No antenna may be installed on a portable or movable structure located on any public rights-of-way. Antennas shall be adequately grounded for protection against a direct strike of lightning.
- h. *Permits.* Satellite dish antennas may only be installed after issuance of a building permit and any required satellite dish antenna permit.
- i. *Exceptions.* In the event that reception of satellite signals would be unreasonably limited by the above standards, exceptions shall be permitted provided that a satellite dish antenna permit is obtained from the Planning Director in accordance with the standards set forth in this section. In reviewing satellite dish antenna permit applications, the following criteria shall be considered:
 1. Satellite dish antennas shall be located to minimize visual impacts and noise on adjacent properties.
 2. Ground-mounted locations shall be assumed to have less visual impact on adjacent properties than roof-mounted locations unless specific findings are made to the contrary.
 3. If a satellite dish antenna is located on a roof, the roof over the rear one-half (½) of the building shall be assumed to have less visual impact on adjacent properties unless specific findings are made to the contrary.
- j. *Planned Developments.* Satellite dish antennas may be permitted in Planned Developments, pursuant to the provisions of this section, without obtaining a Planned Development or Planned Development Amendment approval, unless installation of the antenna would involve significant alteration to existing structures or landscaping. If significant alterations to existing structures or landscaping is required, a Planned Development Amendment is required.

(Ord. No. 2511 N.S. § 11-14J4)

30-14.5 - Issuance of Permits.

The City shall not withhold building permits or satellite dish antenna permits, or place conditions on the permit approvals, if such actions:

- a. Will result in unreasonable limitations on, or unreasonably prevent, reception of satellite delivered or received signals;
- b. Will involve costs which would be excessive in light of the purchase and installation costs of the antenna; or
- c. Are not necessary to achieve the objectives of this section.

(Ord. No. 2511 N.S. § 11-14J5)

30-14.6 - Fees.

Fees for satellite dish antenna building permits shall be the same as for any other type of construction requiring this permit. The fee for satellite dish antenna permits shall be the same as a Minor Design Review.

(Ord. No. 2652 N.S. § 2: Ord. No. 2511 N.S. § 11-14J6)

30-14.7 - Nonconforming Antennas.

Satellite dish antennas in existence as of the effective date of this section shall be considered legal. Nonconforming satellite dish antennas may be enlarged, expanded or relocated only if the satellite dish antennas are brought into compliance with the provisions of this chapter.

Owners of satellite dish antennas which were installed prior to the effective date of this section may register the existence and location of the satellite dish antenna with the Planning Department. Owners failing to register a nonconforming satellite dish antenna with the Planning Department shall have the burden of proof to establish that the satellite dish antenna was in existence as of the effective date of this section.*

(Ord. No. 2511 § 11-14J7)

***Editor's Note**—Ordinance No. 2511 N.S. from which this section derives, was adopted November 18, 1990.

30-15 - WORK/LIVE STUDIOS.

30-15.1 - Purpose.

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

- a. To provide for and make feasible the reuse of existing commercial or industrial buildings and related sites in the Northern Waterfront and other specified commercial, manufacturing, and industrial zoning districts as proposed in the Alameda General Plan;
- b. To provide cost-efficient alternative work space that will provide an incentive for entrepreneurs, business owners, artists, artisans, and other individuals to continue to work in Alameda and contribute to the City's economy;
- c. To reduce traffic and associated adverse impacts on air quality, energy resources, and the quality of life in the City by reducing the number and length of work-related trips by employed Alameda residents;

- d. To promote the preservation and reuse of commercial or industrial buildings that contribute to the historic character of the community in a manner that is consistent with other community goals and policies;
- e. To allow activities that are compatible with and will not compromise or interfere with existing and potential industrial or commercial uses in the districts where such work/live studios are established;
- f. To ensure that work/live studios will function predominantly as work spaces with incidental residential accommodations that meet basic habitability requirements in compliance with applicable regulations. No portion of any work/live studio shall be considered a "dwelling" as that term is defined in Sections 30-2 and 30-51.1;
- g. To ensure that the exterior design of structures converted to work/live use reflects the predominant industrial or commercial character of such buildings and will be compatible with adjacent commercial or industrial uses;
- h. To ensure that, where there is adjacent residentially zoned land, changes to the exterior of structures converted to work/live are designed to make the commercial or industrial building being converted more compatible with the adjacent residential area.

(Ord. No. 2784 N.S. § 6)

(Ord. No. 3255 N.S., § 7, 11-19-2019)

30-15.2 - Applicability.

Work/live studios are only allowed subject to the approval of a use permit in the C-M (Commercial-Manufacturing), M-1 (Intermediate Industrial [Manufacturing]), C-C (Community Commercial), C-1 (Neighborhood Business), C-2 (Central Business), M-X (Mixed Use Planned Development), and M-2 (General Industrial [Manufacturing]) Zoning Districts, and within certain subareas as regulated under the Alameda Point (Section 30-4.24) and North Park Street District (Section 30-4.25) regulations.

(Ord. No. 2784 N.S. § 6)

(Ord. No. 3255 N.S., § 7, 11-19-2019)

30-15.3 - Definitions.

The following definitions shall be applicable in this article:

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

(Ord. No. 2784 N.S. § 6)

(Ord. No. 3255 N.S., § 7, 11-19-2019)

30-15.4 - Development Standards.

- a. *Minimum Floor Area.* Each work/live studio shall include at least five hundred (500) square feet of gross floor area.
- b. *Maximum Permitted Living Space Area.* Not more than thirty (30%) percent or four hundred (400) square feet, whichever is less, of the work/live studio shall be reserved for living space as defined in Section 30-15.3. The rest of the gross floor area of each work/live studio shall be reserved and regularly used for working space.
- c. *Separation Required.* Each work/live studio shall be separated from other work/live studios or other uses in the building. Access to each work/live studio shall be provided from common access areas, common halls or corridors, or directly from the exterior of the building.
- d. *Parking.* Each work/live studio shall have a maximum of one and one-half (1½) parking spaces subject to compliance with all other applicable requirements of Section 30-7.

(Ord. No. 2784 N.S. § 6)

(Ord. No. 3255 N.S., § 7, 11-19-2019)

30-15.5 - Additional Requirements.

- a. *Use Permit Required.* Each building that contains work/live studios shall be subject to a use permit, which shall include conditions of approval as required to assure adequate standards of health, safety, and welfare and consistency with the purposes for work/live studios set forth in this chapter. Each work/live studio shall be subject to all conditions of approval for the building in which it exists unless the use permit states otherwise.
- b. *Work/Live Permit Required.* Each tenant or owner of an individual work/live studio must obtain a work/live permit prior to occupancy. Such permit shall be issued by the Planning Director based on a determination that the proposed occupancy is consistent with the approved use permit and all applicable requirements of this section. Application for a work/live permit shall be made to the Planning Department in writing on a form approved by the Department and shall be accompanied by a fee as set by resolution of the City Council.
- c. *Design of Work/Live Studios.* Subject to all applicable building and fire code requirements:
 - 1. Work/live studios shall be designed to accommodate commercial or industrial uses conforming to the Group B occupancy classification under the California Building Standards Code and as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity; and
 - 2. Areas within a work/live studio that are designated as living space shall be an integral part of the work/live studio and not separated from the work space, except that mezzanines and lofts may be used as living space subject to compliance with other provisions of this Article. Examples of ways to integrate the work space and living space in compliance with this section include, but are not limited to, the following:
 - (a) Doors or solid walls between the work space and areas used for living space do not extend all the way to the ceiling, except for sanitary facilities and rooms used primarily for sleeping,
 - (b) There is a single entrance to the work/live studio,
 - (c) There are no walls separating the food preparation area from the work space,
 - (d) Only the sanitary facilities and rooms designated for sleeping are enclosed and all other portions of the living area are not separated from the work space.
- d. *Permitted Work Activity.* The work activity in a building where work/live units are allowed shall be any use permitted by right or use permit in the zoning district, except that, in order to protect the health and safety of persons who

reside in a work/live studio or in a building which contains one (1) or more work/live studios, no work activity shall be permitted nor shall any work/live studio be established on any site that contains those uses which the Planning Director when considering a work/live permit or the Planning Board when considering a use permit, finds would, by virtue of size, intensity, number of employees or the nature of the operation, have the potential to create significant impacts by reason of dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other impacts, or would be hazardous by way of materials, process, product or wastes including, but not limited to: Auto service/repair, vehicle sales or leasing, car washes, service stations, bars/lounges/night clubs, adult businesses, marine engine repair/refueling facilities, animal kennels/grooming/pet shops, liquor stores, veterinary offices/hospitals, funeral parlors/mortuaries, outdoor storage as a primary use, crematories/columbaria, dismantling facilities/scrap yards, public utility structures and facilities, tire sales/service, truck stops/repair.

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

e. *Rental and Sale Limitations.*

1. No work/live studio, or any portion thereof, shall be sold as an individual unit.
2. No portion of a work/live studio may be separately rented or sold as a commercial space for a person or persons not living in the premises or as a residential space for a person or persons not working in the same studio.
3. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.

f. *Lease Agreements.* The property owner or manager of the property shall ensure that all work/live studio leases include provisions requiring maintenance of a valid Work/Live Permit and valid business license.

g. *Business License Required.* At least one (1) occupant of each work/live studio shall maintain a current City of Alameda business license for a business located in that studio.

h. *Mixed Occupancies.* If a building contains mixed occupancies of work/live studios and other nonresidential uses, occupancies other than work/live shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the work/live studios and other occupancies, as determined by the Building Official.

i. *Notice to Occupants Required.* The owner or developer of any building containing work/live studios shall provide written notice to all work/live occupants and users that the surrounding area may be subject to levels of noise, dust, fumes, or other effects associated with commercial and industrial uses at higher levels than would be expected in residential areas. State and Federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the district where the project is located. For purposes of noise control, work/live studios shall be classified as commercial property under Table II in Section 4-10.4 of the Alameda Municipal Code.

j. *Change of Use From Work/Live Studio.* No work/live studio shall be changed to exclusively residential use in any building where residential use is not permitted. The conversion of an existing work/live studio to exclusively residential or nonresidential use is permitted with a Conditional Use Permit amendment and when the conversion

meets all other applicable Alameda Municipal Code requirements for the proposed use. Such a change shall be subject to all applicable requirements for the district where the proposed dwelling unit is located.

- k. *Increase in Residential Use.* No work/live studio shall be changed to increase the floor area devoted to residential use without review and approval of the Planning Director. In no case shall the floor area devoted to residential use be increased to more than four hundred (400) square feet or thirty (30%) percent of the gross floor area of the unit, whichever is less.
- l. *Additions to Building Envelope.* All changes to the exterior of work/live structures shall comply with the purposes set out in subsections 30-15.1g. and h. and with the required finding set out in subsection 30-15.6d.
- m. *Deed Restriction Required.* Prior to the City issuing a building permit for any work/live studio, the property owner shall file with the county recorder a declaration of restrictions, which has been approved by the City Attorney as to its form and content, specifying the limitations of use and operation included in the use permit and all Additional Requirements specified in this section 30-15.5.
- n. *Landscaping.* Where a building with work/live use is adjacent to residentially-zoned land, screening landscaping shall be provided and maintained as a buffer between the work/live building and adjacent residentially-zoned land where feasible in light of building setbacks, existing and required parking and whether there is land available along the property boundary.
- o. *Hazardous/Toxic Materials.* A Phase I Environmental Assessment for a site proposed for work/live occupancy, including but not limited to an expanded site investigation to determine whether lead based paint and asbestos hazards exist, is required to be submitted as part of the application for a use permit. The purpose of this requirement is to assess whether there are any hazardous or toxic materials on the site that could pose a health risk. Where the Phase I shows that there are potential health risks, a Phase 2 Environmental Assessment shall be prepared and submitted to determine if remediation may be required.

(Ord. No. 2784 N.S. § 6)

(Ord. No. 3255 N.S., § 7, 11-19-2019)

30-15.6 - Findings Required.

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

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

(Ord. No. 2784 N.S. § 6)

(Ord. No. 3255 N.S., § 7, 11-19-2019)

30-16 - INCLUSIONARY HOUSING REQUIREMENTS FOR RESIDENTIAL PROJECTS

30-16.1 - Purpose.

The purpose of this section is to (a) implement the goals and objectives of the Housing Element of the City of Alameda General Plan, (b) mitigate the impacts on housing affordability caused by new residential development, and (c) meet the need for housing affordable to persons of very low-, low- and moderate-income.

(Ord. No. 2926 N.S. § 1)

30-16.2 - Findings.

- a. California and the City of Alameda face a serious housing problem that threatens their economic security. Persons of very low-, low- and moderate-income are experiencing increasing difficulty in locating and maintaining adequate, safe and sanitary affordable housing. Lack of access to affordable housing has a direct impact upon the health, safety and welfare of the residents of Alameda. Alameda will not be able to contribute to the attainment of State housing goals or to retain a healthy environment without additional affordable housing. As noted in the City's Housing Element, a regional shortage of affordable housing is contributing to overpayment for housing accommodations, sometimes leading to temporary or permanent homelessness.
- b. A lack of new Inclusionary Units will have a substantial negative impact on the environment and economic climate because (i) housing will have to be built elsewhere, far from employment centers and therefore, commutes will increase, causing increased traffic and transit demand and consequent noise and air pollution, and (ii) City businesses will find it more difficult to attract and retain the workers they need. Inclusionary housing policies contribute to a healthy job and housing balance by providing more affordable housing close to employment centers.
- c. Development of new market-rate housing encourages new residents to move to the City. These new residents will place demands on services provided by both public and private sectors. Some of the public and private sector employees needed to meet the needs of the new residents earn incomes only adequate to pay for affordable housing. Employees who are unable to find affordable housing in the City will be forced to commute long distances. This situation adversely impacts on their quality of life, consumes limited energy resources, increases traffic congestion and has a negative impact on air quality.
- d. Increasing the production and availability of affordable housing is problematic. Prices and rents for affordable housing remain below the level needed to attract new construction. At the same time, escalating land costs and rapidly diminishing amounts of land available for development hinder the provision of affordable housing units solely through private action. Federal and state funds for the construction of new affordable housing are insufficient to fully address the problem of affordable housing within the City.
- e. The City wishes to retain an economically balanced community, with housing available to very low-, low- and moderate-income households. The City's General Plan implements the established policy of the State of California that each community should foster an adequate supply of housing for persons at all economic levels.
- f. It is appropriate to impose some of the cost of the increased burden of providing housing for very low-, low- and moderate-income persons directly on the developers, and indirectly upon the occupiers, whose developments necessitate the need for such housing. In addition to the demands on services from such developments, new

development without affordable units contributes to the shortage of affordable housing. Zoning and other ordinances concerning new housing in the City should be consistent with the community's goal to foster an adequate supply of housing for persons at all economic levels.

(Ord. No. 2926 N.S. § 1)

30-16.3 - Definitions.

As used in this section:

Affordable Rent shall mean monthly rent (including utility allowance) that does not exceed one-twelfth of thirty (30%) percent of the maximum annual income for a household of the applicable income level (Very Low-, Low- or Moderate-Income).

Affordable Housing Guidelines shall mean guidelines adopted by the City Council to specify location and design standards for Inclusionary Units.

Affordable Housing Plan shall mean a legally binding agreement between a Developer and the City to ensure that the requirements of this chapter are satisfied. The Affordable Housing Plan establishes the number and location of Affordable Units, production schedule and other standards.

Affordable Ownership Cost shall mean a sales price that results in a monthly housing cost (including mortgage, insurance, utilities, taxes, assessments and home owner association costs, if any) that does not exceed one-twelfth of thirty (30%) percent of the maximum annual income for a household of the applicable income (Very Low-, Low- or Moderate-Income).

Household shall mean one person living alone or two or more persons sharing residency whose income is considered for housing payments.

Inclusionary Unit shall mean a dwelling unit that must be offered at Affordable Rent or available at Affordable Housing Cost to Very Low-, Low- or Moderate-Income Households.

In-Lieu Fee shall mean the fee described in subsection 30-16.6a. that is paid to the City as an alternative to the production of inclusionary housing, which fee shall be used in accordance with subsection 30-16.11.

Low-Income Household shall mean a household whose annual income does not exceed the qualifying limits set for "lower income households" in Section 50079.5 of the California Health & Safety Code.

Market-Rate Unit shall mean a dwelling unit in a Residential Development that is not an Inclusionary Unit.

Moderate-Income Household shall mean a household whose annual income does not exceed the qualifying limits set for "persons and families of low-or moderate-income" in Section 50093 of the California Health & Safety Code.

Residential Development shall mean any planned development district, subdivision map, conditional use permit or other discretionary land use approval that authorizes the construction of residential dwelling units.

Very Low-Income Household shall mean a household whose annual income does not exceed the qualifying limits set for "very low income households" in Section 50105 of the California Health & Safety Code.

(Ord. No. 2926 N.S. § 1)

30-16.4 - Inclusionary Unit Requirements.

- a. *Unit Requirement.* For all Residential Developments of five (5) or more units, at least fifteen percent (15%) of the total units must be Inclusionary Units restricted for occupancy by Very Low-, Low- or Moderate-Income Households. The number of Inclusionary Units required for a particular project will be determined only once, at the time of project

approval. If a change in the Residential Development design results in a change in the total number of units, the number of Inclusionary Units required will be recalculated to coincide with the final approved project.

- b. *Calculation.* For purposes of calculating the number of affordable units required by this subsection, any additional units authorized as a density bonus under California Government Code Section 65915(b)(1) or (b)(2) will not be counted in determining the required number of Inclusionary Units. In determining the number of whole Inclusionary Units required, any decimal fraction less than 0.5 shall be rounded down to the nearest whole number, and any decimal fraction of 0.5 or more shall be rounded up on the nearest whole number.
- c. *Types of Inclusionary Units:* Four percent (4%) of the total units must be restricted to occupancy by Low-Income Households; four percent (4%) of the total units must be restricted to occupancy by Very Low-Income Households; and seven percent (7%) must be restricted to occupancy by Moderate-Income Households. For Residential Developments with sixty-nine (69) or fewer total units, Inclusionary Units shall be restricted for occupancy by very low-, low- or moderate-income households in the following proportions, which are based upon the above calculations:

<u>Total Units</u>	<u>Inclusionary Units</u>	<u>Income levels</u>
05 to 9	1	1 moderate
10 to 16	2	1 moderate, 1 low
17 to 23	3	1 moderate, 1 low, 1 very low
24 to 29	4	2 moderate, 1 low, 1 very low
30 to 36	5	3 moderate, 1 low, 1 very low
37 to 43	6	3 moderate, 2 low, 1 very low
44 to 49	7	3 moderate, 2 low, 2 very low
50 to 56	8	4 moderate, 2 low, 2 very low
57 to 63	9	4 moderate, 3 low, 2 very low
64 to 69	10	5 moderate, 3 low, 2 very low

- d. *Affordable Housing Guidelines.* Inclusionary Units built under this section must conform to the Affordable Housing Guidelines adopted by the City Council.

(Ord. No. 2926 N.S. § 1)

The requirements of this section do not apply to:

- a. *Reconstruction.* The reconstruction of any structures that have been destroyed by fire, flood, earthquake or other act of nature provided that the reconstruction takes place within three (3) years of the date the structures were destroyed.
- b. *Residential Developments of four (4) units or less.*
- c. *Residential building additions, repairs or remodels.* Residential building additions, repairs or remodels; provided, that such work does not increase the number of existing dwelling units beyond four (4) units.
- d. *Affordable housing projects.* Residential Developments that already have more dwelling units that qualify as affordable to Very Low-, Low- and Moderate-Income Households than this section requires.
- e. *Residential Developments with approved maps.* Residential Developments for which a tentative map or vesting tentative map was approved, or for which a building permit was issued, prior to the effective date of the ordinance codified in this section and which continue to have unexpired permits.

(Ord. No. 2926 N.S. § 1)

30-16.6 - Alternatives.

- a. *In-Lieu Fees.* For Residential Developments of nine (9) or fewer units, including Inclusionary Units, the requirements of this section may be satisfied by paying an In-Lieu Fee. The fee will be set by the City Council by resolution and shall be sufficient to make up the gap between (i) the amount of development capital typically expected to be available based on the amount to be received by a developer or owner from Affordable Housing Cost or Affordable Rent, and (ii) the anticipated cost of constructing the Inclusionary Units. Fees shall be paid upon issuance of building permits for Market-Rate Units in a Residential Development. If building permits are issued for only part of a Residential Development, the fee amount shall be based only on the number of units then permitted.
- b. *Off-site construction.* Inclusionary Units may be constructed off-site if the Planning Board can make a finding that the purposes of this section would be better served by the construction of off- site units. In determining whether the purposes of this section would be better served by this alternative, consideration should be given as to whether the off-site units would be located in an area where, based on availability of affordable housing, the need for such units is greater than the need in the area of the proposed development.

(Ord. No. 2926 N.S. § 1)

30-16.7 - Incentive.

The City may provide the following incentive to a developer who elects to satisfy the inclusionary housing requirements of this section by producing Inclusionary Units on the site of the Residential Development:

- a. *Expedited Processing.* Eligibility for expedited processing of development and permit applications for the Residential Development.

(Ord. No. 2926 N.S. § 1)

30-16.8 - Compliance Procedures.

- a. Conditions to carry out the purposes of this section shall be imposed on the approval of any Residential Development to which this section pertains.
- b. As part of the application for a Residential Development, the applicant shall submit an Affordable Housing Plan

demonstrating compliance with this section. The Affordable Housing Plan must include: (i) a description of the number and size of each Market-Rate Unit and each Inclusionary Unit, including the income levels to which each Inclusionary Unit will be made affordable, (ii) a narrative describing how the plan adheres to the Affordable Housing Guidelines adopted by the City Council, and (iii) a site map, with the location of the Inclusionary Units clearly marked.

- c. The Affordable Housing Plan shall be reviewed and approved by the decision-making entity concurrently with the Residential Development in accordance with the procedures in the Alameda Municipal Code. The Affordable Housing Plan shall be made a condition of approval of the Residential Development and shall be recorded by the applicant together with any implementing regulatory agreements, resale restrictions, deeds of trust and/or similar implementing documents as a restriction on the parcel or parcels on which the Affordable Units will be constructed.
- d. The Planning Board shall review any applications requesting off-site construction within their Affordable Housing Plan. The Affordable Housing Plan shall include a site map of the off-site location, a description of the arrangements made for construction at that site and demonstration that the proposed off-site construction complies with Subsection 30-16.6b. Off-site construction may only be approved in accordance with Subsection 30-16.6b.
- e. All Inclusionary Units shall be constructed and occupied as specified in the approved Affordable Housing Plan concurrently with or prior to the construction and occupancy of Market Rate Units unless certification is obtained from the Planning and Building Director that the applicant has met, or made arrangements satisfactory to the City to meet, an alternative procedure set forth in Subsection 30-16.6. In phased Residential Developments, Inclusionary Units shall be constructed and occupied in proportion to the number of units in each phase of the Residential Development. No final inspection for occupancy for any Market-Rate Unit shall be completed for the Residential Development or for any phase of the Residential Development until the applicant has constructed the Inclusionary Units required in the approved Affordable Housing Plan for the Residential Development or for any phase of the Residential Development by Subsection 30-16.4 or completed corresponding alternative performance under Subsection 30-16.6.

(Ord. No. 2926 N.S. § 1)

30-16.9 - Requirements for Inclusionary Units.

- a. *Eligibility Requirements.* No Household may occupy an Inclusionary Unit unless the City or its designee has approved the Household's eligibility in accordance with City-approved policies. Each Household that occupies a rental Inclusionary Unit or purchases an owner-occupied Inclusionary Unit must occupy that unit as that Household's principal residence.
- b. *Initial Sales Price of Owner-Occupied Units.* The initial sales price of an owner-occupied Inclusionary Unit shall be set so that the eligible Household will pay an Affordable Ownership Cost. Resale and other restrictions on the Inclusionary Unit will be governed by the regulatory agreements, resale restrictions, deeds of trust or other recorded agreements recorded against the Inclusionary Unit as approved in the Affordable Housing Plan per Section 30-16.8.
- c. *Rent of Rental Units.* Rental Inclusionary Units shall be offered to eligible households at an affordable rent.

(Ord. No. 2926 N.S. § 1)

30-16.10 - Continued Affordability.

- a. Regulatory agreements, resale restrictions, deeds of trust and/or other documents acceptable to the City Manager, all consistent with the requirements of this section, shall be recorded against Inclusionary Units and Residential Developments containing Inclusionary Units. These documents shall legally restrict occupancy of Inclusionary Units to households of the income levels for which the units were designed for a minimum of fifty-nine (59) years. The

forms of regulatory agreements, resale restrictions, deeds of trust and other documents authorized by this subsection, and any change in the form of any such document which materially alters any policy in the document, shall be approved by the City Manager.

- b. The resale restrictions required by Subsection a. of this section shall allow the City a right of first refusal to purchase any owner-occupied Inclusionary Unit at the maximum price which could be charged to a qualified purchaser household, at the time the owner proposes a sale.

(Ord. No. 2926 N.S. § 1)

30-16.11 - Limited Uses of Fees.

- a. *Use and Disbursement of Fees.* In-Lieu Fees collected under this section shall be used in accordance with and in support of affordable housing as determined by the City Manager. Expenditures of In-Lieu Fees shall be limited to direct expenditures for capital projects or incidental non-capital expenditures related to capital projects, including but not limited to pre-development expenses, land acquisition, construction, rehabilitation, subsidization, counseling or assistance to other governmental entities, private organizations or individuals to expand affordable housing opportunities to very low-, low- and moderate-income households. Authorized expenditures also include, but are not limited to, assistance to housing development corporations, equity participation loans, grants, predevelopment loan funds, participation leases, loans or other public/private partnership arrangements to develop affordable housing or other public/private partnership arrangements. The In-Lieu Fees may be expended for the benefit of either rental or owner-occupied housing. The In-Lieu Fees may not be used to support operations, or on-going housing services not directly related to the construction, acquisition, rehabilitation or preservation of affordable housing units.
- b. *Accounting of Fees.* All In-Lieu Fees shall be deposited into a segregated account and all expenditures of funds from the same shall be documented and included in an annual report that shall be made available for public inspection.

(Ord. No. 2926 N.S. § 1)

30-16.12 - Adjustments, Waivers.

- a. *Adjustment.* The requirements of this section may be waived, adjusted or reduced if an applicant shows that there is not a reasonable relationship between the impact of a proposed Residential Development on the demand for affordable housing in the City and the requirements of this section or that applying the requirements of this section without the requested waiver, adjustment or reduction would constitute a taking in violation of the United States or California Constitutions or be otherwise illegal. Under current law, mere economic hardship or diminution in value does not constitute an unlawful taking of property. Such a request shall be made in writing and filed with the Planning and Building Department at the time of initial submittal an application for approval of a Residential Development and/or as part of any appeal from a decision regarding such an application. The request shall state completely and in detail: (i) the requested waiver, adjustment or reduction of the requirements, (ii) the factual basis for the request, and (iii) the legal basis of this request. If the Planning Board determines that the requirements of this section lack a reasonable relationship to the impact of a proposed Residential Development on demand for affordable housing in the City or that those requirements constitute a taking in violation of the United States or California Constitutions, the requirements of this section shall be modified, adjusted or waived to the extent necessary to avoid an unconstitutional result or illegal outcome.
- b. *Appeal Procedure.* The applicant, a member of the public or a member of the City Council or Planning Board may appeal a determination under this ordinance within ten (10) days after the decision under Section 30-21.11. Appeals shall be heard pursuant to Section 30-25.

- c. *Fee for Adjustment Request or Appeal.* The cost of the consideration of a request for adjustment or waiver of the requirement of this section and appeal shall be borne by the applicant in an amount set forth in the Master Fee Resolution of the City Council.

(Ord. No. 2926 N.S. § 1)

30-16.13 - Community Improvement Project Areas.

This section shall not apply to residential developments in the City's Community Improvement Project Areas as long as the Community Improvement Commission adopts separate resolutions or policies pertaining to inclusionary housing requirements in such areas.

(Ord. No. 2926 N.S. § 1)

30-16.14 - Enforcement.

- a. *Misdemeanor Violation.* It shall be a misdemeanor to violate any provision of this section. Without limiting the generality of the foregoing, it shall be a misdemeanor for any person to sell or rent to another person an Inclusionary Unit under this section at a price or rent exceeding the maximum allowed under this section or to sell or rent an Inclusionary Unit to a household not qualified under this section. It shall further be a misdemeanor for any person to provide false or materially incomplete information to the City or to a seller or lessor of an Inclusionary Unit to obtain occupancy of housing for which he or she is not eligible.
- b. *Additional Enforcement Mechanisms.* In addition to the penalties provided in this subsection, any violation of this section may be redressed by any enforcement mechanism, including but not limited to a civil action, described in Section 1-5, Penalty Provisions; Enforcement, of this Code.

(Ord. No. 2926 N.S. § 1)

30-17 - DENSITY BONUS ORDINANCE

30-17.1 - Purpose.

The purpose of this density bonus ordinance is to create incentives for the provision of affordable housing, senior housing and the development of child care facilities in Alameda. The California Legislature requires each local government to adopt an ordinance that specifies how the jurisdiction will comply with Section 65915 et seq. of the California Government Code. This chapter is intended to satisfy the requirements of that code.

(Ord. No. 3012 N.S., § 1, 12-1-2009)

30-17.2 - Findings.

Rising land prices have been a key factor in preventing development of new affordable housing. New housing construction that does not include affordable units aggravates the existing shortage of affordable housing by absorbing the supply of available residential land. This reduces the supply of land for affordable housing and increases the price of remaining residential land.

(Ord. No. 3012 N.S., § 1, 12-1-2009)

30-17.3 - Definitions.

Unless the context plainly requires otherwise, the following words and phrases used in Section 30-17 shall have the following meanings. Capitalized terms not defined here in [subsection] 30-17.3 and used in this Section 30-17 shall have the meanings attributed to them in Government Code Sections 65915—65918 as it now exists or may hereafter be amended.

- a. *Affordable Housing* or *Affordable Housing Unit* shall mean a dwelling unit required to be offered at Affordable Rent or available at Affordable Housing Cost to Very Low, Low, or Moderate Income Households pursuant to this Section 30-17.
- b. *Affordable Housing Agreement* means a written agreement between an applicant for a development and the City of Alameda ensuring the continuing affordability of housing pursuant to this Section 30-17.
- c. *Applicant* is defined as any person who seeks residential property development permits or approvals from the City of Alameda.
- d. *Child care facility* is defined as a child day facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities and school-age child care centers, installed, operated and maintained for the nonresidential care of children.
- e. *Development* means all development pursuant to a proposal to construct or place one (1) or more dwelling units on a lot or contiguous lots including, without limitation, a planned unit development, site plan, subdivision, or conversion of a non-residential building to dwelling units.
- f. *Marketing plan* means a plan that describes how the applicant will inform the public, and those within appropriate income groups, of the availability of affordable housing units in a development for which a density bonus is granted under this Section 30-17.
- g. *Maximum allowable residential density* means the density allowed under the zoning ordinance and land use element of the general plan, or if a range of densities is permitted, means the maximum allowable density. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.
- h. *Mixed-use development project* means a development that includes residential as well as commercial, office, or industrial uses.
- i. *Substantial rehabilitation* means rehabilitation, the value of which constitutes twenty-five (25%) percent of the after rehabilitation value of the dwelling, inclusive of the land value.

(Ord. No. 3012 N.S., § 1, 12-1-2009)

30-17.4 - Density Bonus Application.

- a. In order to receive concessions and/or incentives, or waivers under this Section 30-17, an Applicant must submit to the City a Density Bonus Application which will be treated as part of the Development Application. At any time during the review process, the Planning and Building Director may require from the applicant additional information reasonably necessary to clarify and supplement the application or to determine the development's consistency with the requirements of this section.
- b. The Density Bonus Application shall include the following:
 1. A development plan illustrating that the "base" project meets all existing general plan and zoning development standards.
 2. A description of the Development, including the total number of proposed affordable housing units, senior housing units, or age-restricted mobile home park units; a description of any land the applicant proposes to

donate for low income housing units; and any child care facilities the applicant proposes to construct as part of the qualifying housing development premises or on an adjacent property.

3. The zoning and General Plan designations and assessor's parcel number(s) of the project site.
4. A vicinity map showing the location of the proposed project.
5. A set of preliminary project plans that include a site plan showing all building and structure footprints or locations, drive aisles and parking layout; floor plans of all structures and buildings; and architectural elevations of all buildings and structures, all drawn to scale.
6. A request for a concession or incentive shall include evidence to justify why it is necessary to provide for affordable housing costs. Specifically, the application shall include a financial report or pro forma demonstrating:
 - i) whether the concessions or incentives sought would result in identifiable, financially sufficient, and actual cost reductions; ii) whether the concessions or incentives sought are necessary to reduce the cost of the housing project sufficiently to make feasible the provision of the affordable housing units; and iii) how any additional concession or incentive would contribute significantly to the economic feasibility of the construction of the child care facility if a child care facility is proposed.
7. A request for a waiver shall include evidence to justify why it is necessary to allow construction of the development on the site. Specifically, any applicant requesting a waiver of development standards that physically preclude construction at the densities and/or concessions and incentives permitted shall submit evidence in the form of a site plan, drawing or written explanation describing why the waiver is needed to permit the project. A financial report or pro forma is not required to justify a waiver.
8. The Affordable Housing Unit Plan which shall include:
 - (a) The location, structure (attached, semi-attached, or detached), proposed tenure (sale or rental), and size and number of bedrooms of proposed market-rate and affordable housing units and the proposed size of non-residential uses included in the development;
 - (b) The income level to which each affordable housing unit will be made affordable;
 - (c) For phased developments, a phasing plan that provides for the timely development of affordable housing units in proportion to other housing units in each proposed phase of development as required by this section.
9. Any other information reasonably requested by the Planning and Building Director to aid in the implementation of this Section 30-17.
- c. In the event that construction of a project is to be: 1) phased over more than two (2) years, and those entitlements are vested by instruments such as a Development Agreement or other similar instrument, and 2) the vesting document(s) allows for the phased submittal of Design Review plans including the floor plans and elevations of proposed buildings, then the applicant may be allowed to phase submittal of the floor plans and elevations required by subsection 30-17.4.5 of all planned residential buildings until such time that the Design Review plans are submitted pursuant to the vesting documents.
- d. A project with a Density Bonus Application, including a request for concessions, incentives or waivers, shall be reviewed for approval by the Planning Board; provided, however, that if a development involves another permit or entitlement requiring City Council approval, then the Planning Board may deny the development project or recommend its approval to the City Council.
- e. A requested concession, incentive, or waiver shall be approved unless the findings for denial listed in subsection 30.17.9a., "Requests for Incentives or Concessions," or 30-17.12a., "Waivers of Development Standards the Physically Preclude Construction," are made in writing.

- f. Decisions of the Planning Board may be appealed to or reviewed by the City Council as provided in Section 30-25 of this "Appeals or Calls for Review."

(Ord. No. 3012 N.S., § 1, 12-1-2009; Ord. No. 3129 N.S., § 1, 7-7-2015)

30-17.5 - Density Bonus Standards.

- a. Developments subject to this section include projects undertaken in phases, stages, or otherwise developed in distinct sections.
- b. If the site of a development proposal is located in two or more zones, the number of dwelling units permitted in the Development is the sum of the dwelling units permitted in each of the zones. The permitted number of dwelling units may be distributed within the development without regard to the zone boundaries.
- c. Total units or total dwelling units does not include units added by a Density Bonus awarded pursuant to this section.
- d. The Applicant shall elect whether the density bonus shall be awarded on the basis of the development category they select. The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan amendment, zoning change, or other discretionary approval. All density calculations resulting in fractional units shall be rounded up to the next whole number.
- e. For projects subject to Section 30-16 of this Code, "Inclusionary Housing Requirements for Residential Projects," the inclusionary units required by that section may be counted toward the affordable unit requirements of this Section 30-17. To the extent that the provisions of this section and Section 30-16 conflict, the more demanding provisions in terms of affordable housing production of Section 30-16 shall prevail.
- f. An applicant shall agree and the City shall ensure continued affordability of all low-and very-low-income units that qualified an applicant for the award of the density bonus for thirty (30) years for "for sale" units, and fifty-five (55) years for rental units, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program, or other City ordinances or requirements.
- g. An applicant shall agree and the city shall ensure that the initial occupant of the moderate-income units that are directly related to the receipt of the density bonus in a Common Interest Development are persons and families of moderate income and that units are offered at an affordable sales price and housing cost as defined by Section 30-17 and Government Code Section 65915 as it exists when a complete application for a Development is submitted to the City.

(Ord. No. 3012 N.S., § 1, 12-1-2009; Ord. No. 3129 N.S., § 2, 7-7-2015)

30-17.6 - Development and Housing Unit Types.

- a. The provisions of this section 30-17 apply to the following development categories:
 1. New residential development projects of five (5) or more dwelling units, regardless of the type of dwelling units proposed. Applicant shall demonstrate that at least five (5) residential units can be developed on the project site in compliance with all zoning and development regulations.
 2. Where permitted or conditionally permitted by the underlying zoning designation of a site, mixed-use developments that include at least five (5) dwelling units.
 3. Substantial rehabilitation of one (1) or more multiple-family residential structures containing at least five (5) units that results in a net increase in the available residential units.
 4. Development that will change the use of an existing building from nonresidential to residential and that will provide at least five (5) residential units;

5. Development that includes the conversion of at least five (5) residential rental units to ownership housing.
- b. Developments projects that may be considered under the above categories include the following housing unit types:
 1. Developments where at least five (5%) percent of the total units are for very low income households. (See subsection 30-17.7.1.)
 2. Developments where at least ten (10) percent of the total units are for Low Income Households. (See subsection 30-17.7.2.)
 3. Developments where at least ten (10) percent of the total units in a common interest development, as defined in section 1351 of the Civil Code, are for moderate income households. (See subsection 30-17.7.3.)
 4. A Senior citizen housing development or mobile home park that limit residency based on age requirements. (See subsection 30-17.7.4.)
 5. Developments that include the donation of land. (See subsection 30-17.7.5.)
 6. Developments that include child care facilities. (See subsection 30-17.7.6.)
 7. Condominium conversions. (See subsection 30-17.7.7.)
- c. These provisions shall not apply to projects on sites where the density of dwelling units already exceed the maximum permitted by the General Plan or Municipal Code. Projects on such sites shall not be entitled to a density bonus, concessions, incentives, waivers, or reductions in parking standards.

(Ord. No. 3012 N.S., § 1, 12-1-2009)

30-17.7 - Specified Housing Unit Type, Criteria, and Standards.

The City shall grant a Density Bonus, and Incentives or concessions as described in subsection 30-17.10, when an Applicant seeks and agrees to construct a Development that meets the standards and criteria of the following specified housing unit types.

30-17.7.1 *Development[s] that Include Very Low Income Households.*

- a. A very low income household project shall include a minimum of five (5%) percent of the total dwelling units of a development or mixed use development for very low income households as defined in Section 50105 of the Health and Safety Code.
- b. For residential developments that include five (5%) percent of the total dwelling units of a residential development for very low-income households, the density bonus shall be calculated as follows:

Percentage Very Low-Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5

9	30
10	32.5
11	35

30-17.7.2 *Development that Include Low Income Households.*

- a. A low income household project shall include a minimum of ten (10%) percent of the total dwelling units of a development or mixed use development for low income households as defined in Section 50079.5 of the Health and Safety Code.
- b. For residential developments that include ten (10%) percent of the total dwelling units for low income households, the density bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

30-17.7.3 *Developments that Include Moderate Income Common Interest Developments.*

- a. A moderate income common interest project shall include a minimum of ten (10%) percent of the total dwelling units in the development for moderate income households as defined in Section 1351 of the Civil Code (typically a condominium or small-lot single-family development) for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered for purchase to income-qualified members of the general public.
- b. For residential developments that include ten (10%) percent of the total dwelling units in a common interest development for persons and families of moderate income, the density bonus shall be calculated as follows:

Percentage Moderate Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20

26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

30-17.7.4 *A Senior Citizen Housing Development or Mobile Home Park that Limit Residency Based on Age Requirements.* A Senior Citizen Housing Development or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to section 798.76 or 799.5 of the Civil Code shall be entitled to a Density Bonus of twenty (20) percent of the number of senior housing units.

30-17.7.5 *Developments that Include the Donation of Land.*

- a. When an Applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the City in accordance with this subsection, the Applicant shall be entitled to a fifteen (15) percent increase above the otherwise maximum allowable residential density for the entire Development as follows:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34

30

35

- b. The Density Bonus for land dedication shall be in addition to any Density Bonus allowed by subsections 30-17.7.1 through 30-17.7.4, up to a maximum combined increased of 35 percent if the Applicant seeks an increase under this subsection 30-17.7.5. Nothing in this subdivision shall be construed to enlarge or diminish the City's authority to require a developer to donate land as a condition of development.
- c. An applicant shall be eligible for the increased Density Bonus described in this subsection if all of the following conditions are met:
 - 1. The Applicant donates and transfers the land to the City no later than the date of approval by the City of the final subdivision map, parcel map, or Application of the Development seeking the Density Bonus.
 - 2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to Very Low Income households in an amount not less than 10 percent of the number of residential units of the proposed Development seeking the Density Bonus.
 - 3. The transferred land:
 - (i) Is at least one (1) acre in size or of sufficient size to permit development of at least forty (40) units; and
 - (ii) Has the appropriate General Plan designation and is appropriately zoned with appropriate development standards for development at the density described in paragraph 3 of subdivision (c) of section 65583.2 of the Government Code, or as it may be amended from time to time; and
 - (iii) Is or will be served by adequate public facilities and infrastructures for the development of very-low-income housing when transferred; and
 - (iv) Has appropriate zoning and development standards to make the development of the Affordable Housing Units feasible; and
 - (v) No later than the date of approval of the final subdivision map, parcel map, or of the Development application seeking the Density Bonus, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the Very Low Income housing units on the transferred land, except that the City may subject the proposed Development to subsequent design review to the extent authorized by section 65583.2(i), if the design is not reviewed by the City prior to the transfer.
 - 4. The transferred land and the Affordable Housing Units shall be subject to a deed restriction, which shall be recorded on the property upon dedication, ensuring continued affordability of the units for at least 30 years.
 - 5. The land is transferred to the City or to a housing developer approved by the City.
 - 6. The transferred land is within the proposed Development or, if the City agrees, within one-quarter mile of the boundary of the proposed Development.
 - 7. A proposed source of funding for the development of very-low-income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

- a. When an Applicant proposes to construct a Development that conforms to the requirements of subsection 30-17.7.6 includes a Child Care Facility located on the premises of, as part of, or adjacent to the Development, the City shall require, as a condition of approving the Development, the following:
 - 1. An additional Density Bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.
 - 2. An additional concession or incentive designated by the City that contributes significantly to the economic feasibility of the construction of the Child Care Facility.
- b. In order to qualify for a Density Bonus as provided in this subsection 30-17.7.6, the Applicant shall submit for review and approval by the Planning and Building Director a financial report (pro forma) for the proposed Child Care Facility that includes sources of operating revenue to ensure that the center remains open and provides the promised services for the life of the project.
- c. The City shall require, as a condition of approving the Development that:
 - 1. The Child Care Facility shall remain in operation as long as or longer than time during which the Affordable Housing Units are required to remain affordable pursuant to this section 30-17.7.6; and
 - 2. Of the children who attend the Child Care Facility, the children of Very Low-Income Households, Low-Income Households, Moderate-Income Households shall equal a percentage that is equal to or greater than the percentage of Dwelling Units that are made affordable to Very Low-Income Households, Low-Income Households, or Moderate-Income Households.
- d. Notwithstanding any requirement of this subsection 30-17.7.6, the City need not provide a Density Bonus or concession for a Child Care Facility if it finds, based upon substantial evidence, that Alameda has adequate child care facilities.

30-17.7.7 *Condominium Conversion Developments.*

- a. When a Development is the conversion of an existing apartment complex to a condominium complex and the Applicant agrees to make at least thirty-three (33%) percent of the total units of the Development affordable to Moderate Income households for thirty (30) years, or fifteen (15%) percent of the total units of the proposed Development affordable to Low-Income households for thirty (30) years, and agrees to pay for the administrative costs incurred by the City to process the application and to monitor the continued affordability and habitability of the Affordable Housing Units, the City shall either:
 - 1. Grant a Density Bonus of twenty-five (25) percent; or
 - 2. Provide other incentives of equivalent financial value as determined by the City.
- b. Nothing in this section shall be construed to require the City to approve a proposal to convert apartments to condominiums.
- c. An Applicant shall be ineligible for a Density Bonus or other incentives under this subsection 30-17.7.7 if the apartments proposed for conversion are in a Development for which a Density Bonus or other incentives were previously provided under this section 30-17 or section 30-16 of this code.

(Ord. No. 3012 N.S., § 1, 12-1-2009)

30-17.8 - Design, Distribution and Timing of Development of Affordable Housing Units.

- a. Affordable Housing Units must be constructed concurrently with market-rate units. Affordable Housing Units shall be integrated into the Development and be comparable in infrastructure (including sewer, water and other utilities), construction quality and exterior design to the market-rate units. The Affordable Housing Units must also comply

with the following criteria:

1. *Rental Developments:* Rental units shall be integrated within and reasonably dispersed throughout the project. All Affordable Housing Units shall reflect the range and numbers of bedrooms provided in the project as a whole, and shall not be distinguished by design, construction or materials.
2. *Owner-Occupied Developments:* Owner-occupied units shall be integrated within the project. Affordable Housing Units may be smaller in size and have different interior finishes and features than market-rate units so long as the interior features are durable, of good quality and consistent with contemporary standards for new housing as determined by the Planning and Building Director. All Affordable Housing Units shall reflect the range and numbers of bedrooms provided in the project as a whole, except that Affordable Housing Units need not provide more than four bedrooms.
- b. No building permits will be issued for market-rate units until permits for all Affordable Housing Units have been obtained, unless Affordable Housing Units are to be constructed in phases pursuant to a plan approved by the City.
- c. Market-rate units will not be inspected for occupancy until all Affordable Housing Units have been constructed, unless Affordable Housing Units are to be constructed in phases pursuant to a plan approved by the City.

(Ord. No. 3012 N.S., § 1, 12-1-2009)

30-17.9 - Requests for Incentives or Concessions.

- a. When an applicant proposes a development project for any specified housing unit type on a site other than a senior citizen housing development or mobile home park pursuant to subsection 30-17.7.4, the City shall provide the applicant with incentives or concessions as defined by subsection 30-17.10, subject to the caps or limits on concessions and incentives identified in subsection 30-17.10b for sites with a residential zoning or general plan designation. The applicant must submit a density bonus application, as described in subsection 30-17.14, identifying the specific incentives or concessions that the applicant requests. The City shall grant the concession or incentive requested by the applicant unless the City makes any of the following written findings, based upon substantial evidence:
 1. The concession or incentive is not required to provide for Affordable Housing Costs as defined in section 50052.5 of the Health and Safety Code or for Affordable Rents for the targeted units;
 2. The concession or incentive would have a specific adverse impact as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources or designated a City of Alameda Historical Monument or included in the City of Alameda's Historical Building Study List and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Low- and Moderate-Income households;
 3. The request is to modify the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with section 18901) of Division 13 of the Health and Safety Code.
 4. The request is for direct financial incentives for the Development, including the provision of publicly owned land or the waiver of fees or dedication requirements.
 5. The concession or incentive would be contrary to State or federal law.

(Ord. No. 3012 N.S., § 1, 12-1-2009; Ord. No. 3022 N.S., § 1, 10-19-2010)

30-17.10 - Incentives or Concessions Defined.

Density bonus projects should complement existing residential neighborhoods and reflect or improve their characteristics. Well designed density bonus projects are critical for a community seeking to provide a wide range of housing opportunities. A project that fits well within its physical context will not cause undue adverse impacts on surrounding properties.

- a. New construction on sites with a residential general plan or zoning designation shall complement the development pattern of the area and respect the rhythm of height, massing, and setbacks of the neighborhood in which it is located. To the extent permitted by law, caps or limits on incentives or concessions can be implemented in order to promote compatibility between new and existing development and compel consistency with any design guideline or standard adopted by the City of Alameda.

For the purposes of this section, concession or incentive means:

- b. A reduction in site development standards or a modification of zoning code or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in part 2.5 (commencing with section 19901) of division 13 of the Health and Safety Code, resulting in identifiable, financially sufficient, and actual cost reductions. "Concession or incentive" may include but is not limited to any of the following:
 1. Reduced minimum lot sizes and/or dimensions, except that projects on sites with a residential general plan or zoning designation that requires a five thousand (5,000) square foot lot with a 50-foot (50') width shall have a lot area of no less than three thousand (3,000) square feet and a lot width of no less than thirty feet (30').
 3. Reduced on-site open-space requirements, except that projects on sites with a residential general plan or zoning designation shall have at least one hundred (100) square feet of open space per unit.
 5. Increased floor area ratio.
 6. Reduced parking requirements, but not less than one and one-half (1½) standard parking spaces per unit on sites with a residential general plan or zoning designation.
 7. Modification of the zoning code to permit mixed use development in conjunction with the development if nonresidential uses will reduce the development cost of the residential portion of the development and if the nonresidential uses are compatible with the development and with existing or planned development in the area as set forth in the Alameda General Plan.
- c. For large development projects, defined as projects on sites with at least one acre of land area, an applicant may be granted exceptions to the caps and limits set forth in subsection 30-17.10b through the density bonus application process if it can be shown such exceptions are needed to allow more flexibility that promotes superior site design and architectural excellence.
- d. Nothing in this section shall be construed to require the provision of direct financial incentives for a development, including the provision of publicly owned land by the City or other waiver of fees or dedication requirements. Moreover, concessions or incentives shall not include any exceptions, waivers or departures from health and safety standards of building and fire codes or from solid waste and recycling standards established by the State of California and the City of Alameda.

(Ord. No. 3012 N.S., § 1, 12-1-2009; Ord. No. 3022 N.S., § 1, 11-19-2010)

30-17.12 - Waivers of Development Standards that Physically Preclude Construction.

- a. An Applicant may submit a proposal for the waiver of development standards that would have the effect of physically precluding the construction of a development meeting the criteria of subsection 30-17.7, at the densities or with

the concessions or incentives permitted. The City shall grant the waiver requested by the applicant unless the City makes any of the following written findings, based upon substantial evidence:

1. The development standard does not physically preclude the construction of the development at the densities or with the concessions or incentives permitted.
 2. The requested development standard waiver would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
 3. The requested development standard waiver would have an adverse impact on any real property that is listed in the California Register of Historical Resources or designated a City of Alameda Historical Monument or included in the City of Alameda's Historical Building Study List and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
 4. The requested development standard waiver would be contrary to state or federal law.
- b. Allowance for three (3) or more dwelling units in a building, shall be considered a waiver of the development standards found at article XXVI of the Alameda City Charter and Alameda Municipal Code Sections 30-50 through 30-53.4, if shown to be necessary to make construction of the project physically feasible.
 - c. A proposal for the waiver or reduction of development standards pursuant to this subsection shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled.

(Ord. No. 3012 N.S., § 1, 12-1-2009)

30-17.13 - Requests for Reduced Parking Ratio.

- a. Any application meeting the criteria of subsection 30-17.7 shall provide on-site parking consistent with Section 30-7 Off-Street Parking and Loading Space Regulation. In the event that applicant is unable to meet the requirements of Section 30-7, the applicant may request a reduction in the required on-site parking consistent with the following on-site parking ratios (inclusive of handicapped and guest parking):
 1. Zero (0) to one (1) bedroom: One (1) on-site parking space.
 2. Two (2) to three (3) bedrooms: Two (2) on-site parking spaces.
 3. Four (4) and more bedrooms: Two and one-half (2½) parking spaces.
- b. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through on-street parking.
- c. This subsection shall apply to a development that meets the requirements of subsection 30-17.7 but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subsection.

(Ord. No. 3012 N.S., § 1, 12-1-2009; Ord. No. 3129 N.S., § 1, 7-7-2015)

30-17.14 - Compliance.

- a. The provisions of this Section 30-17 shall apply to all agents, successors and assignees of an applicant proposing a development governed by this section 30-17. No tentative map, use permit, special development permit or occupancy permit shall be issued for any development that has been granted a density bonus under this section unless that map or permit is exempt from or in compliance with the terms of this Section 30-17.

- b. The City may institute any appropriate legal actions or proceedings necessary to ensure compliance herewith, including not limited to actions to revoke, deny or suspend any permit or development approval.

(Ord. No. 3012 N.S., § 1, 12-1-2009)

30-17.15 - Reserved.

Editor's note— Ord. No. 3129, § 4, adopted July 7, 2015, repealed § 30-17.15, which pertained to affordable housing unit plan and derived from Ord. No. 3012 N.S., adopted December 1, 2009.

30-17.16 - Affordable Housing Unit Agreement.

- a. Each development for which a density bonus and incentive or incentives is granted pursuant to this Section 30-17 shall be the subject of an Affordable Housing Unit Agreement the provisions of which will vary depending on how a Development satisfies the provisions of this Section 30-17. The Affordable Housing Unit Agreement shall be recorded as a restriction on the parcel or parcels on which the affordable housing units will be constructed. The Affordable Housing Unit Agreement shall be approved and recorded before final map approval, or, where a map is not requested, prior to issuance of building permits for market-rate units. The Affordable Housing Unit Agreement shall be binding on all future owners and successors in interest. An Affordable Housing Unit Agreement must include:
1. A description of the development, including the total number of units, and the number and tenure (sale or rental) of affordable housing units.
 2. The size, in square feet, and location of affordable housing units;
 3. A description of the income group to be accommodated by the affordable housing units, and the formula for determining the affordable rent or sales price and affordable housing cost for each affordable housing unit;
 4. The duration of affordability for the affordable housing units; and the provisions to ensure that the units remain affordable for the required term, such as resale and rental restrictions, deeds of trust, and rights of first refusal;
 5. A schedule for completion and occupancy of the affordable housing units;
 6. Provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal or rental restrictions or other appropriate means to maintain the affordability of the affordable housing units;
 7. A Marketing Plan approved by the City for sale or rental of the affordable housing units, which shall use an equitable method to select renters or purchasers of the affordable housing units and describe how the applicant will inform the public, and those within the appropriate income groups, of the availability of affordable housing units;
 8. Provisions for subletting units consistently with affordability restrictions;
 9. Procedures for qualifying tenants and prospective purchasers of affordable housing units;
 10. Provisions for monitoring the ongoing affordability and habitability of affordable housing units; and
 11. A description of the concession(s) or incentive(s) provided by the City.

(Ord. No. 3012 N.S., § 1, 12-1-2009; Ord. No. 3129 N.S., § 5, 7-7-2015)

30-17.17 - Reserved.

Editor's note— Ord. No. 3129, § 6, adopted July 7, 2015, repealed § 30-17.17, which pertained to affordable housing unit agreements for ownership units and derived from Ord. No. 3012 N.S., adopted December 1, 2009.

30-17.18 - Affordable Housing Unit Agreements for Rental Units.

- a. In addition to the requirements of subsection 30-17.17, an Affordable Housing Unit Agreement for a rental development must provide the following conditions governing the use of affordable housing units during the use restriction period:
 1. Specific property management procedures for qualifying and documenting tenant income eligibility, establishing Affordable Rent and maintaining Affordable Housing Units for qualified tenants;
 2. Provisions requiring property owners to maintain books and records to demonstrate compliance with this Section 30-17.
 3. Provisions requiring the property owner to submit an annual report to the City which includes the name(s), address, and income of each household occupying affordable housing units, and which identifies the bedroom size and monthly rent or cost of each affordable housing unit. The information included in this report shall be maintained in confidence by the City and used only to enforce the requirements of this Section 30-17.
 4. Provisions describing the amount and time for payment of administrative fees to the City for the ongoing monitoring of the development's compliance with this Section 30-17 as provided in subsection 30-17.19 below.
 5. Any additional obligations relevant to the compliance with this Section 30-17.

(Ord. No. 3012 N.S., § 1, 12-1-2009)

30-17.19 - Administrative Fee.

The City shall charge an administrative fee to applicants to cover the City's cost to review all materials submitted in accordance with this Section 30-17 and for on-going enforcement of this section. The amount of the administrative fee shall be established from time to time by City Council resolution. Fees will be charged for, inter alia, staff time, consultant costs, legal fees, and materials associated with: review and approval of applications for the development; project marketing and lease-up; long-term compliance of the applicant, and successors-in-interest to the applicant, with respect to the maintenance of the affordable housing units as such.

(Ord. No. 3012 N.S., § 1, 12-1-2009)

30-17.20 - Violation of Affordable Housing Cost.

- a. If the Planning and Building Director determines that rents in excess of those allowed by this Section 30-17 have been charged to a tenant residing in a rental affordable housing unit, the City may take the appropriate legal action to recover, and the rental unit owner shall be obligated to pay to the tenant (or to the City in the event the tenant cannot be located), any excess rent paid.
- b. If the Planning and Building Director determines that a sales price in excess of that allowed by this Section 30-17 has been charged for an ownership affordable residential unit, the City may take the appropriate legal action to recover, and the affordable residential unit seller shall be obligated to pay to the purchaser (or to the City in the event the purchaser cannot be located), any excess sales costs.

(Ord. No. 3012 N.S., § 1, 12-1-2009)

30-18 - UNIVERSAL RESIDENTIAL DESIGN.

30-18.1 - Purpose.

The purpose of this section is to:

- a. Promote and preserve the public health, safety, and general welfare of the people of the City of Alameda with mobility issues or who may develop mobility issues with age by ensuring equal access to housing for people born with mobility issues that develop mobility issues as the result of disease, accident, injury, military service, or age without significantly increasing housing costs and affordability.
- b. Ensure that people with mobility issues are able to visit the homes of their friends and family members who may not have mobility issues.
- c. Enhance the full life cycle use of housing, without regard to the functional limitations or disabilities of a home's occupants or guests, in order to accommodate a wide range of individual preferences and abilities, in all new residential development within the City of Alameda.
- d. Incorporate design features into residential dwelling units that enhance residents' ability to remain in their homes during periods of temporary, developing, or permanent disabilities.
- e. Implement the City of Alameda General Plan Housing Element policies to provide housing that meets the City's diverse housing needs.

(Ord. No. 3198 N.S., § 1, 11-7-2017)

30-18.2 - Definitions.

For the purpose of this section, the following terms shall have the following definitions:

Accessible means standards for features or fixtures, designs, or other improvements, which are equal to or exceed the minimum requirements of Chapter 11A of the California Building Code, as may be amended.

Accessible bathroom means a room containing a water closet (toilet), lavatory (sink), and either a shower, bathtub, combination bathtub/shower, or both a shower and bathtub that includes features or fixtures, designs, or other improvements, which are equal to or exceed the minimum requirements of Chapter 11A of the California Building Code, as may be amended, and that include blocking within the walls to support future installation of grab bar/hand rails.

Accessible bedroom means a room containing a bed and can be used for a resident or guest to sleep that includes features or fixtures, designs, or other improvements, which are equal to or exceed the minimum requirements of Chapter 11A of the California Building Code, as may be amended.

Accessible common use room means a room commonly used by residents or guests to congregate that includes features or fixtures, designs, or other improvements, which are equal to or exceed the minimum requirements of Chapter 11A of the California Building Code, as may be amended.

Accessible entry means an entrance that may be used by a visitor to the residential unit that meets or exceeds the minimum requirements of Chapter 11A of the California Building Code, as may be amended.

Accessible exterior access means an exterior accessible route from the public right-of-way to an accessible entry that is consistent with the requirements of CBC Chapters 11A, as may be amended.

Accessible interior access means an accessible route consistent with the requirements of CBC Chapters 11A from the accessible entry to the living, eating, sleeping, and/or bathroom facilities located on the primary entry level.

Adaptable internal stairs means internal stairways and stairs with a minimum width of thirty-six (36") inches wide, top and bottom landings that provide a clear floor area that is a minimum of forty-eight (48") inches in the direction of the stair run, and the full width of the stair for the docking of a chair lift, and includes suitable and appropriate outlets at the bottom and top of the stairs to provide power for a future chair lift. Such outlets shall be located on the side of the stair that would have the lift, or one (1) on each side if the chair lift could be installed on either side.

Accessible kitchen shall mean a room or space designed to be use for cooking and the preparation and storage of food and containing a refrigerator, a sink, a stove and oven that includes features or fixtures, designs, or other improvements, which are equal to or exceed the minimum requirements of Chapter 11A of the California Building Code, as may be amended.

Accessible powder room means a room containing a water closet (toilet) and lavatory (sink), but no shower, bathtub, or combination bathtub/shower, that includes features or fixtures, designs, or other improvements, which are equal to or exceed the minimum requirements of Chapter 11A of the California Building Code, as may be amended, and that include blocking within the walls to support future installation of hand rails.

Laundry facilities means an area that is designed to accommodate facilities for the washing and/or drying of clothes.

Universal design means the specialized design of the built space, products and indoor and outdoor environments to be usable by the greatest number of people with the widest reasonable range of abilities or disabilities, to the greatest extent feasible.

Visitability means enhancement of the ability of a residential dwelling unit to meet the basic needs of a wide range of guests to enter and use critical portions of the home, to the greatest extent possible, through specific design choices and decisions.

(Ord. No. 3198 N.S., § 1, 11-7-2017)

30-18.3 - Scope, Application, and Exemptions.

- a. This section shall apply to any new tentative map, design review, conditional use permit, site development, master plan, or other land use entitlement for the approval of a development that includes one or more new residential dwelling units submitted to the Community Development Department after the effective date of the ordinance from which this section is derived. All such entitlements shall contain conditions sufficient to ensure compliance with the provisions herein.
- b. All plans submitted for a building permit for a residential development subject to this section shall include construction details and plans showing conformance with the applicable sections of this section.
- c. The provisions of this section do not apply to:
 1. Rehabilitation or expansion of an existing residential unit,
 2. Reconstruction of an existing residential unit destroyed due to fire or natural disaster,
 3. Accessory dwelling units,
 4. Addition of five (5) or fewer residential units to or within an existing structure,
 5. Addition of five (5) or fewer new residential units above ground floor commercial space or a parking structure without an elevator, and
 6. New residential units located directly above a ground floor unit that meets the requirements of subsection 30-18.4.b.
- d. Any determinations regarding the application of these provisions by the Community Development Director may be appealed to the Planning Board consistent with the requirements of Section 30-25.

(Ord. No. 3198 N.S., § 1, 11-7-2017)

30-18.4 - New Construction Requirements.

- a. *Visitability*. To ensure that all new residential dwellings units subject to the provisions of this section meet the basic needs of a wide range of guests to enter and use critical portions of the home, all units subject to this section shall include the following features:

1. An accessible exterior access to an accessible entry;
 2. An accessible interior access from the accessible entry to an accessible powder room, accessible common use room or an accessible bedroom, and adaptable internal stairs;
 3. Blocking within the walls to support future installation of grab bar/hand rails in all bathrooms; and
 4. If ground floor open space is provided, then an accessible path of travel to the open space shall be provided.
- b. *Universal Design.* To ensure that a share of all new dwelling units are usable by the greatest number of people with the widest reasonable range of abilities or disabilities, to the greatest extent feasible, thirty (30%) percent of all new residential units in a residential development of five (5) or more units shall include the following features:
1. An accessible exterior access to an accessible entry;
 2. An accessible interior access from the accessible entry to an accessible bathroom, an accessible common use room, an accessible bedroom, accessible kitchen, accessible common or private open space; accessible laundry facility, and adaptable internal stairs;
 3. In determining the number of universally designed units required by this subsection, any decimal fraction less than 0.5 shall be rounded down to the nearest whole number, and any decimal fraction of 0.5 or more shall be rounded up to the nearest whole number.
- c. *Optional Features.* Any residential development that includes an on-site sales office in which a buyer may purchase a unit prior to completion of construction of the unit must offer buyers the opportunity to select and purchase additional universal design features from a pre-approved list of offered features. The seller of the residential dwelling units shall prepare a brochure or checklist of the additional universal design features and pricing for the features that will be offered. The brochure or checklist shall be reviewed and pre-approved by the Planning Board concurrently with the discretionary permits for the development. The office shall have an accessible exterior access to the primary entrance, and be fully accessible per the Americans with Disabilities Act (ADA).

(Ord. No. 3198 N.S., § 1, 11-7-2017)

30-18.5 - Waivers.

- a. The Planning Board may consider granting a waiver to any of the provisions of this section if it is able to make one (1) or more of the following findings:
 1. The requested waiver is necessary to make the findings for design review approval;
 2. The requested waiver is necessary to support the provision of affordable housing units;
 3. The requested waiver is necessary to avoid an undue and substantial financial hardship caused by topographical conditions on the site; the size or configuration of the site; and/or other site constraints; and/or legal constraints and equivalent facilitation is not available; or
 4. The requested waiver is necessary to avoid a conflict with adopted local, regional, State or Federal regulations.
- b. Requests for waivers shall be transmitted to the Commission on Disability Issues for review and comment prior to the Planning Board consideration of the waiver.
- c. When considering a request for a waiver, the Planning Board and the project applicant may consider incorporating other features into the project to compensate for the loss of required features or to improve the accessibility of the units. Those features may include:
 1. A wider front entry door of forty-two (42") inches in width.
 2. Blocking within the walls of all hallways to support future installation of grab bar/hand rails.

3. Rocker light switches, electrical receptacles, and environmental controls placed at accessible heights throughout the
4. Removable base cabinets in all bathrooms and/or kitchens.
5. Accessible shower stalls or tubs in all bathrooms.
6. Accessible medicine cabinet and integral mirror in all bathrooms.
7. Accessible countertops with a thirty (30") inches wide workspace and/or one (1) or more fifteen (15") inch breadboards installed between twenty-eight (28") inches and thirty-two (32") inches in height in all kitchens.
8. Any other feature that improves the design of the unit to accommodate visitors or residents with physical or other disabilities in a way that makes it useable by the greatest number of people with the widest reasonable range of abilities or disabilities, to the greatest extent possible.

(Ord. No. 3198 N.S., § 1, 11-7-2017)

30-18.6. - Enforcement and Annual Reporting.

- a. It is unlawful for any person or entity to fail to comply with the requirements of this chapter. The City of Alameda may prescribe administrative, civil, or criminal penalties or consequences, or any combination thereof, for violations of this chapter, which are consistent with those applicable for what it deems comparable municipal provisions. These may include, but are not limited to, enforcement provisions of the State Housing Law of the California Health and Safety Code, Sections 17910 et seq., as may be amended; injunctive relief or civil penalties; and requiring compliance prior to issuance of a final inspection report or certificate of occupancy.
- b. The City of Alameda Community Development Department shall report annually to the City of Alameda Planning Board and Commission on Disability on implementation of this section as part of the Housing Element Annual Report. The Annual Report shall provide an opportunity for the Planning Board or Commission on Disability to recommend changes or revisions to this section to the City of Alameda City Council.

(Ord. No. 3198 N.S., § 1, 11-7-2017)

30-20 - NONCONFORMING BUILDINGS AND USES.

30-20.1 - General.

Any nonconforming building, or any nonconforming use being conducted within a structure or upon open land may be continued, as provided in this section; except that

- a. Any nonconforming use being conducted on open land, and not incidental or accessory to a use being conducted within a structure upon the site, shall not be continued longer than two and one-half (2 ½) years from the date of nonconformity under the provisions of this article.
- b. Any nonconforming outdoor advertising sign or outdoor advertising structure may be continued for a period of not longer than five (5) years from the date of nonconformity under the provisions of this article; and
- c. If any nonconforming use is abandoned (not actively used), or voluntarily or by legal action caused to be discontinued for a period of one (1) year or more, then any subsequent use of the property shall be in conformity with the provisions of this article.

(Ord. No. 535 N.S. § 11-151; Ord. No. 1277 N.S.; Ord. No. 1343 N.S.)

30-20.2 - Use Permit.

If no structural alterations are made, a nonconforming use of a building may, upon approval of a use permit be changed to another nonconforming use of the same or more restricted use classification.

(Ord. No. 535 N.S. § 11-152; Ord. No. 1277 N.S.)

30-20.3 - Nonconforming Buildings with Conforming Residential Uses.

Nonconforming buildings, with conforming residential uses in residential zoning districts, may be reconstructed, with an equal or lesser nonconformity to the development standards of this chapter, subject to the approval process for improvements, as outlined in Section 30-37: Design Review Requirements. Such reconstruction may occur to repair damage as defined by subsection 30-20.4 of this chapter, or, as part of any duly permitted project to repair, remodel or replace an existing non-conforming structure. For reconstruction of nonconforming buildings with residential uses in residential zoning districts, the value limitations prescribed by subsection 30-20.4 do not apply.

(Ord. No. 2943 N.S. § 17)

30-20.4 - Changes to and Restoration of Nonconforming Buildings and Uses.

Notwithstanding the provisions in subsection 30-20.3 of this chapter to allow reconstruction of nonconforming buildings with residential uses in residential zoning districts, the following regulations apply to nonconforming uses and buildings:

- a. *Changes Permitted.* No nonconforming building or use shall be enlarged, extended, reconstructed or structurally altered, unless it is changed to conform to the regulations specified by this section, provided that routine maintenance and repairs required by applicable health and safety codes shall be permitted in an aggregate amount during a five (5) year period of not to exceed one hundred (100%) percent of the total appraised valuation as verified by a certified appraiser selected by the City, and conducted at the property owner's expense.
- b. *Restoration of Damaged Buildings.* If at any time any nonconforming use or building shall be destroyed by fire, explosion, or act of God to the extent of more than seventy (70%) percent of the value thereof, then, and without further action by the City Council, the building and the land on which said building was located or maintained shall from and after the date of such destruction be subject to all the regulations of the district in which such land and/or building are located. For the purposes of this section, the value of any building shall be the estimated cost of the replacement of the building in kind, as determined by the Building Official. Where any nonconforming building shall have been destroyed less than seventy (70%) percent, as specified above, a building permit for its restoration shall be secured not later than one (1) year from the date of such destruction and the restoration shall be completed within one (1) year from the date of issuance of the building permit.

(Ord. No. 2943 N.S. § 19)

30-20.5 - Restoration of Destroyed Residential Buildings.

Subsection 30-20.4 notwithstanding, any damaged or destroyed structure containing three (3) or more dwelling units may be rebuilt to its existing density as provided by subsection 30-53.3.

(Ord. No. 2363 N.S.)

30-20.6 - Certification of Nonconforming Use.

- a. The owner of any land or building classified as a nonconforming use under the provisions of this section may apply

to the City Planning Director for a nonconforming use certificate. Upon such application, the City Planning Director shall issue such certificate, which shall set out the name of the owner, the location of the land or building, the extent and validity of such nonconforming use, and other appropriate data regarding such use.

- b. Upon notification by the City Planning Director, the owner of any land or building classified as a nonconforming use under the provision of this section shall apply to the City Planning Director for a nonconforming use certificate. Upon such application, the City Planning Director shall issue such certificate as in paragraph a. above.
- c. Any nonconforming use certificate issued under the provisions of paragraphs a. and b. above shall become invalid upon change of use or ownership, provided, that in the event of change of ownership the City Planning Director shall, upon request of the new owner, issue a new nonconforming use certificate, and provided, further, that in the event of change of use, the City Planning Director shall issue a new nonconforming use certificate upon the City Planning Board's approval of a Use Permit under the provisions of subsection 30-20.2 of this section.

(Ord. No. 535 N.S. § 11-156; Ord. No. 1277 N.S.; Ord. No. 1374 N.S.)

30-20.7 - Large Format Retail.

Existing large format retail uses, constructed and in use prior to March, 2008, that are located in commercial, manufacturing, Planned Development or M-X zoning districts where large format retail is allowed and that comply with the development standards of the zoning district shall not be classified as nonconforming.

(Ord. No. 2979 N.S. § 14)

30-21 - VARIANCES, USE PERMITS: PROCEDURE.

30-21.1 - Variances.

- a. *When Permitted.* A variance shall be granted only when the strict and literal interpretation of the regulations in the particular case would involve practical difficulties or unnecessary hardship, and only to the extent necessary to overcome such difficulties or unnecessary hardship. No variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same district and vicinity.
- b. *Standards.* A variance in whole or in part or subject to conditions as provided in paragraph c. may be granted by the Planning Board if the information presented in the application or at the hearing establishes that:
 - 1. There are exceptional or extraordinary circumstances applying to the property involved or to the proposed use of the property;
 - 2. Because of such exceptional or extraordinary circumstances, the literal enforcement of specified provisions of this section would result in practical difficulty or unnecessary hardship such as to deprive the applicant of a substantial property right possessed by other owners of property in the same class of district; and
 - 3. The granting of the variance will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to persons or property in the vicinity.
- c. *Procedure for Conditions.* In granting a variance, the character and extent thereof shall be specified. A variance may be made conditional and it may be made valid for a specified time period. Once any portion of a variance is utilized all such conditions and specifications shall be immediately operative, and the violation of any of them shall constitute a violation of this section.
- d. *Amendment of Application.* If it appears at the hearing that a variance differing from the specific variance sought

could properly be granted under the provisions of this section, the applicant may then and there offer to amend the application. The Board may, if it finds that the amended application falls within the scope of the notice of hearing, accept and act upon the amended application without further publication.

(Ord. No. 535 N.S. § 11-161; Ord. No. 1277 N.S.; Ord. No. 1792 N.S.)

30-21.2 - Administrative Variance.

- a. *Approval by Zoning Administrator.* An application for a variance to size or frontage requirements of lots, yard or open space requirements, or height limitation of buildings, fences, hedges, walls and other structures, may be approved by the Zoning Administrator where the Administrator determines that the conditions of subsection 30-21.1b have been met and that the reduction in requirements is nonsubstantial. The Zoning Administrator may make approval conditional and may refer applications to the Planning Board.
- b. *Notice and Hearing.* Notice of a hearing before the Zoning Administrator shall be given pursuant to subsection 30-21.7. In addition thereto a general description of the application shall be included in the post card.

The hearing shall be held in the place designated by the Zoning Administrator in the notice of hearing within a reasonable time after the filing of the application. The Zoning Administrator shall consider all evidence received by the office on the application and consider these when making a decision on the application.

- c. *Appeal.* The applicant, a member of the public, or a member of the City Council or Planning Board may appeal the decision of the Zoning Administrator within ten (10) days after the decision of the Zoning Administrator. Appeals shall be heard by the Planning Board pursuant to Section 30-25.
- d. *Substantial Reductions.* The Zoning Administrator may not find a reduction in requirements of this section nonsubstantial where:
 1. A reduction in lot area or width requirements would create a division of property subject to review under the subdivision regulations; or
 2. An application for a variance on the same lot has been heard by the Planning Board within one (1) year; or
 3. The application is for an expansion in an existing nonconforming use or reduction in parking requirements.

(Ord. No. 1792 N.S.; Ord. No. 2025 N.S.; Ord. No. 2625 N.S. § 1; Ord. No. 2920 N.S. § 26)

30-21.3 - Use Permits.

- a. *When Permitted.* Approval of a use in any district which is listed as a use requiring a use permit shall be granted only when the use will favorably relate to other property, uses and intensities in the vicinity and to the General Plan of the City and will not cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity.
- b. *Standards.* The City Planning Board shall authorize the issuance of a use permit only if the evidence presented at the hearing is such as to establish:
 1. The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.
 2. The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.
 3. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.

4. The proposed use relates favorably to the General Plan.

The Board may also determine that the proposed use is such that it is necessary to require greater standards than listed specifically in this section in order to correlate the proposed use to other property, uses and intensities in the vicinity.

- c. *Conditions.* The Board may provide that approval of a use permit shall be contingent upon acceptance and observance of specified conditions, including but not limited to the following matters:
 1. Conformity to plans and drawings submitted with the application.
 2. Special yards, open spaces, buffer strips, walls, fences and landscaping.
 3. Volume of traffic generated, vehicular movements within the site, and points of vehicular ingress and egress.
 4. Performance characteristics related to the emission of noise, vibration and other potentially dangerous or objectionable elements.
 5. Limits on hours of operation or time of day for the conduct of specified activities.
 6. A specified time period during which the use will be permitted.
 7. Guarantees as to compliance with the terms of the approval.
- d. *Revocation.* In the event of a violation of any of the provisions of the zoning regulations, or in the event of a failure to comply with any prescribed condition of approval, the City Planning Board may, after notice and hearing, revoke any use permit.
- e. *Additional Requirement for Hazardous Materials Processing Uses.*
 1. Use permits for hazardous materials processing facilities shall be subject to review by the Planning Board. They shall be subject to standards and conditions of approval, including but not limited to the following:

Floodplains. Facilities in areas subject to one hundred (100) year flooding shall be protected by measures to preclude failure, such as berms, raising above flood levels, etc.

Residuals Repositories. Residuals repositories, which are facilities for the permanent storage of hazardous wastes, are prohibited.

Wetlands. No facilities shall be allowed in wetlands, as they are defined by regional or state policies.

Endangered Species. No facilities may be located within critical habitats for endangered species, as the habitats and species are defined by the U.S. Department of the Interior or the State of California.

Unstable Soils. Facilities on steep slopes and areas subject to liquefaction and subsidence shall have engineered design features to assure structural stability.

Distance from Residences. A buffer zone of at least two thousand (2,000') feet shall be required between the operational area of the facility and the nearest residence, unless the developer can demonstrate by risk assessment that a smaller buffer zone provides adequate protection for the public in the event of an accident.

Distance from Immobile Populations. A minimum buffer zone of five thousand (5,000') feet shall be provided between a facility and any immobile population, including schools, hospitals, convalescent homes, prisons, facilities for the mentally ill, day care centers, homeless shelters, and other similar uses, unless the developer can demonstrate by risk assessment that a smaller buffer zone provides adequate protection in the event of an accident.

Transportation. Facilities shall be located so as to minimize distances to major transportation routes which are designed to accommodate heavy vehicles. Access routes leading to major transportation lines should not pass through residential neighborhoods and should be demonstrated to be safe with regard to road design and construction, accident rates, and excessive traffic.

Permeable Strata and Soils. Facilities shall avoid locating on highly permeable soils or sediment. Facilities in areas where surficial soils are principally permeable materials such as sand and gravel shall provide for spill containment and monitoring measures.

Air Quality. All facilities shall comply with the requirements of the Bay Area Air Quality Management District.

Water Quality. All facilities shall comply with the requirements of the Regional Water Quality Control Board. Facilities in high groundwater areas shall be designed to withstand failure because of geologic or soil failures.

Public Services. The developers of all facilities shall demonstrate the availability of adequate public services, including but not limited to police, fire, sewer, water, emergency services, and electricity.

Historic Areas. Facilities shall not be permitted in designated historic areas.

Airport Zones. Facilities shall not be located within an FAA approach zone, air installation compatible use zone, or safety zone as described in the Alameda County Airport Land Use Plan.

Code Compliance. Facilities shall be in full compliance with current Fire and Building Codes.

Alameda County Hazardous Waste Management Plan. Facilities shall be found to be in compliance in all respects with the 1995 Alameda County Hazardous Waste Management Plan.

User Fee. All hazardous waste processing facilities shall be subject to a user fee equal to a user fee equal to ten percent (10) of the facility's gross annual receipts, payable to the City of Alameda, as provided by Section 25173.5 of the California Health and Safety Code.

2. *Notification and Review.* Applications shall be subject to additional steps of notification and review, including but not limited to:

- a. When required by Health and Safety Code Section 25199 et seq., filing of a Notice of Intent to make an application with the California Office of Permit Assistance, which shall be published in a local newspaper of general circulation, and shall be posted on the subject property at least ninety (90) days before the scheduled Planning Board hearing.
- b. Completion of a Risk Assessment Checklist supplied by the City.
- c. Formation of a Local Assessment Committee, when required pursuant to Section 25199.7(d) of the California Health and Safety Code, such Committee to provide technical assistance and consulting services as determined by the City, with all such costs to be paid by the applicant.

(Ord. No. 535 N.S. § 11-162; Ord. No. 1277 N.S.; Ord. No. 1792 N.S.; Ord. No. 2727 N.S. § 3; Ord. No. 2979 N.S. § 9)

30-21.4 - Administrative Use Permit.

- a. *Approval by Zoning Administrator.* An application for a Use Permit may be approved by the Zoning Administrator where the administrator determines that the criteria of subsection 30-21.3b have been met and the application does not pose any special problems or require a change in conditions of approval. The Zoning Administrator may make approval conditional and may refer applications to the Planning Board.
- b. *Notice and Hearing.* Notice of a hearing before the Zoning Administrator shall be given pursuant to subsection 30-21.7. In addition thereto a general description of the application shall be included in the post card. The hearing shall be held in the place designated by the Zoning Administrator in the notice of hearing within a reasonable time after the filing of the application. The Zoning Administrator shall consider all evidence received by the office on the application and consider these when making a decision on the application.
- c. *Appeal.* The applicant, a member of the public or a member of the City Council or Planning Board may appeal the

decision of the Zoning Administrator by filing a notice of appeal with the Zoning Administrator within ten (10) days after the decision of the Zoning Administrator or within three (3) days after the Zoning Administrator has reported to the Planning Board under subsection 30-21.11, whichever time is greater. Appeals shall be heard by the Planning Board pursuant to Section 30-25.

(Ord. No. 1792 N.S.; Ord. No. 2025 N.S.; Ord. No. 2625 N.S. § 1)

30-21.5 - Application.

Application for a variance or Use Permit shall be made by the owner of the affected property, or his authorized agent, on a form prescribed by the City Planning Department and shall be filed with such Department. The application shall be accompanied by such information including, but not limited to, site and building plans, drawings and elevations, and operational data, as may be required to permit the review of the proposal in the context of the standards imposed.

(Ord. No. 1792 N.S.)

30-21.6 - Hearings.

The City Planning Board shall hold a public hearing on each application for a Variance or Use Permit as required by subsection 30-21.1 and subsection 30-21.3. Hearings shall be held within a reasonable time after the filing of applications.

(Ord. No. 1792 N.S.)

30-21.7 - Notice of Public Hearing.

Notice of public hearing shall be given by posting at least one (1) notice thereof on the property involved, by publication of notice once in a newspaper of general circulation within the City at least ten (10) days prior to the hearing and by postal card or letter mailed to owners, as shown on the latest assessment roll, of all properties within one hundred (100') feet of the subject property and to as many other persons as the Zoning Administrator may deem advisable. Failure to send such notice, where the address of the owner is not a matter of public record, shall not invalidate the proceedings.

(Ord. No. 1792 N.S.)

30-21.8 - Limitation on New Application.

In case an application is denied by the Zoning Administrator, Planning Board, or, on appeal, by the City Council, it shall not be eligible for resubmittal for three (3) years from the date of the denial, unless, in the opinion of the Zoning Administrator, new evidence is submitted in writing or conditions have changed to an extent that further consideration is warranted.

(Ord. No. 1792 N.S.; Ord. 2920 N.S. § 27)

30-21.9 - Termination Due to Inaction.

A Variance or Use Permit shall, if granted, terminate two (2) years from the effective date of its granting unless actual construction or alteration, or actual commencement of the authorized activities in the case of a Variance or Use Permit not involving construction or alteration, has begun under valid permits within such period. When a Variance is associated with an approved parcel map or tentative subdivision map the Variance shall remain valid for the same period of time as the approved parcel map or tentative subdivision map, to the maximum time allowed by the State of California Subdivision Map Act for the land division approvals.

(Ord. No. 1792 N.S.; Ord. No. 2215 N.S.; Ord. 2920 N.S. § 28)

30-21.10 - Time Extensions.

Prior to the expiration of the time limit within which Variances or Use Permits must be first exercised, the grantee may apply for additional time periods within which to exercise the approval, which may be granted on a case by case basis for any length of time, up to a total of a two (2) year extension from the expiration date for the original permit approval. Such applications for extension shall be ruled upon by the Zoning Administrator after public hearing, or by the Planning Board for those approvals including a reduction in the number of required vehicular parking spaces.

(Ord. No. 2215 N.S.; Ord. 2920 N.S. § 29)

30-21.11 - Reports to Planning Board.

The Zoning Administrator shall report, for informational purposes only, all approvals or disapprovals of Administrative Variances or Administrative Use Permits and conditions imposed thereon to the Planning Board at the next regular meeting hereof following the decisions.

(Ord. No. 1792 N.S.; Ord. 2920 N.S. § 30)

30-21.12 - Design Review Coordination.

The Planning Board may request a report on the design review elements of any application.

(Ord. No. 1792 N.S.; Ord. No. 2025 N.S.)

30-22 - AMENDMENTS AND PROCEDURES.

30-22.1 - General.

This article may be amended by changing the boundaries of districts, or by changing other provisions thereof by procedures set forth in this section, whenever the public necessity and convenience and the general welfare require such amendment.

(Ord. No. 535 N.S. § 11-171; Ord. No. 1277 N.S.)

30-22.2 - Initiation.

Amendment of this article may be initiated by one (1) of the following methods:

- a. The petition of one (1) or more property owners affected by the proposed rezoning, which petition shall be filed with the Planning Department.
- b. The City Council on its own initiative, who shall refer its request to the Planning Board for action pursuant to this section.
- c. The Planning Board on its own initiative.

(Ord. No. 535 N.S. § 11-172; Ord. No. 1277 N.S.)

30-22.4 - Public Hearing.

- a. The Planning Board shall within a reasonable time hold at least one (1) public hearing on any proposed amendments,

and shall give notice thereof by at least one (1) publication in a newspaper of general circulation within the City at least ten (10) days prior to such hearing.

- b. If the proposed amendment includes a change of zone district boundaries or a change from one (1) zone district classification to another, additional notice shall be given by posting at least one (1) notice of the public hearing on each property involved, as shown by the Assessor's Block Book, and by postal card or letter mailed to owners, as shown on the latest assessment roll, of all properties within the boundaries of the area to be rezoned or reclassified and within three hundred (300') feet thereof and as many other persons as the Zoning Administrator may deem advisable. Failure to give additional notice shall not invalidate any proceedings for the amendment of this article.
- c. In the event that the number of owners to whom notice would be sent pursuant to paragraph b. is greater than one thousand (1,000), as an alternative to the notice required by paragraph b., notice may be provided by either:
 1. Placing a display advertisement of at least one-fourth (¼) page in a newspaper having general circulation within the area affected by the proposed amendment at least twice on or before ten (10) days prior to the hearing; or
 2. By placing an insert with any generalized mailing sent by the City to property owners in the area affected by the proposed amendment, such as a billing service.

(Ord. No. 535 N.S. § 11-174; Ord. No. 1277 N.S.; Ord. No. 2058 N.S.; Ord. No. 2231 N.S.)

30-22.5 - Action by the Planning Board.

At such hearings the Planning Board shall weigh:

- a. The effect of the proposed amendment on the integrity of the General Plan;
- b. The effect of the proposed amendment on the general welfare of the community; and
- c. The equitableness of the proposal.

Following the prescribed public hearings the Planning Board shall transmit recommendations to the City Council.

(Ord. No. 535 N.S. § 11-175; Ord. No. 1277 N.S.; Ord. No. 1793 N.S.)

30-22.6 - Action by the City Council.

- a. Upon receipt of maps and recommendations from the Planning Board, the City Council shall set the matter for public hearing, and shall give notice thereof by publication in a newspaper of general circulation within the City at least ten (10) days prior to such hearing.
- b. The report and recommendation of the Board on matters referred to in this section shall be advisory only. After receipt of the report and recommendation of the Board, the City Council shall act thereon and may approve, modify or disapprove the same and may adopt an ordinance effecting such reclassification, amendment or change in such forms as it may determine. Changes in the boundaries of any district or reclassification of any lot or land may be made by ordinance referring only to the section or sections of zoning map(s) affected by such changes, or by description in the amending ordinance.

(Ord. No. 535 N.S. § 11-176; Ord. No. 1277 N.S.; Ord. No. 1793 N.S.)

30-22.7 - Abandonment of Proceedings.

Any petition for an amendment may be withdrawn upon written application of a majority of the signers of the petition. In the event public notice has been given, a retraction of the notice shall be immediately published as prescribed.

(Ord. No. 535 N.S. § 11-177; Ord. No. 1277 N.S.)

30-23 - CERTIFICATE OF OCCUPANCY.

30-23.1 - Required.

No vacant land in any district established under the provisions of this article shall hereafter be occupied or used (agricultural uses excepted), and no building hereafter shall be erected, structurally altered, or moved into or within any such District, nor shall it be occupied until a certificate of occupancy is issued therefor by the City Building Official.

(Ord. No. 535 N.S. § 11-181; Ord. No. 1277 N.S.)

30-23.2 - Application.

Application for a certificate of occupancy for a new use or occupant, a change of land use, for a new building or for an existing building which has been altered or moved shall be made to the City Building Official before any such land or building is occupied or used. No permit for excavation on any building site shall be issued before an application for a certificate of occupancy has been made.

(Ord. No. 535 N.S. § 11-182; Ord. No. 1277 N.S.)

(Ord. No. 3240 N.S., § 6, 5-7-2019)

30-23.3 - Issuance.

A certificate of occupancy shall be issued within three (3) days after:

- a. Written notice is received by the Building Official that the premises are ready for use or occupancy.
- b. Inspection by the Building Official indicates that the building or use is in conformity with this article and other regulations of the City.

(Ord. No. 535 N.S. § 11-183; Ord. No. 1277 N.S.)

30-24 - DUTIES OF OFFICIALS, ENFORCEMENT AND PENALTIES.

30-24.1 - Duties of Officials.

- a. All departments, officials, and public employees of the City which are vested with the duty or authority to issue permits or licenses shall issue no permit or license where the same would be in conflict with the provisions or intent of this article.
- b. It shall be the duty of the Zoning Administrator to enforce the provisions of this article.

In the prosecution of the above described duties, the Zoning Administrator or his authorized representative shall have the right to enter upon any premises or structures to make necessary inspections at any reasonable time, and in accordance with the law.

(Ord. No. 535 N.S. § 11-191; Ord. No. 1277 N.S.; Ord. No. 1635 N.S.)

30-24.2 - Enforcement.

Any building erected, altered, moved or maintained, and/or any use of property contrary to the provisions of this article shall be and the same is hereby declared to be unlawful and a public nuisance, and the City Attorney shall commence action or actions, proceeding or proceedings for the abatement, removal and the enjoinder thereof in the manner provided by law, and by the Charter.

(Ord. No. 535 N.S. § 11-193; Ord. No. 1277 N.S.; Ord. No. 1635 N.S.)

30-24.3 - Penalties.

Any person violating the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Section 1-5 of the Alameda Municipal Code. All remedies provided for therein shall be cumulative and not exclusive.

(Ord. No. 535 N.S. § 11-194; Ord. No. 1277 N.S.)

30-24.4 - Reference.

This article shall be known and may be cited as the "City of Alameda Zoning Regulations."

(Ord. No. 535 N.S. § 11-196; Ord. No. 1277 N.S.)

30-25 - APPEALS OR CALLS FOR REVIEW.

Footnotes:

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Editor's note— Ord. No. 3195 N.S., § 1, adopted November 7, 2017, amended § 30-25 in its entirety to read as herein set out. The former § 30-25, pertained to similar subject matter, and derived from Ord. No. 1794 N.S.; Ord. No. 1836 N.S.; Ord. No. 2025 N.S.; Ord. No. 2625 N.S.; Ord. No. 2733 N.S.; and Ord. No. 2920 N.S.

30-25.1 - Purpose and Authorization for Appeals and Calls for Review.

- a. *Appeals.* To avoid results inconsistent with the purposes of this chapter as stated in subsection 30-1.2, final decisions of the Community Development Director or Zoning Administrator may be appealed to the Planning Board and final decisions of the Planning Board, Public Art Commission, or Historical Advisory Board may be appealed to the City Council by any person aggrieved or by any officer, agency or department of the City affected by any decision, determination or requirement.
- b. *Calls for Review.* As an additional safeguard to avoid results inconsistent with the purposes of this chapter as stated in subsection 30-1.2, final decisions of the Community Development Director or Zoning Administrator may be called up for review by a member of the Planning Board or by a member of the City Council for review by the Planning Board and final decisions of the Planning Board, Public Art Commission, or Historical Advisory Board may be called up for review by members of the City Council for review by the City Council.

(Ord. No. 3195 N.S., § 1, 11-7-2017; Ord. No. 3278 N.S., § 4, 5-5-2020)

30-25.2 - Final Decisions and Time Limits for Appeals and Calls for Review.

- a. *Final Decision of the Community Development Director or Zoning Administrator.* Any final decision of the Community Development Director or Zoning Administrator shall be effective on the date of the decision, unless any person aggrieved by or any officer, agency, or department of the City affected by any decision of the Community

Development Director or Zoning Administrator, files a Notice of Appeal with the Community Development Department no later than ten (10) days following the decision or at least one (1) City councilmember or at least one (1) Planning Board member files a call for review with the Community Development Department no later than ten (10) days following the decision. Decisions that are appealed or called for review shall not become effective until the appeal or call for review is resolved by the Planning Board. Decisions by the Planning Board to uphold, overturn, or modify a decision of the Community Development Director or Zoning Administrator are appealable to the City Council.

- b. *Final Decision of the Planning Board, Public Art Commission, or Historical Advisory Board.* Any final decision of the Planning Board, Public Art Commission, or Historical Advisory Board shall be effective on the date of the decision, unless any person aggrieved by or any officer, agency, or department of the City affected by any decision of the Planning Board, Public Art Commission, or Historical Advisory Board, files a Notice of Appeal with the Community Development Department no later than ten (10) days following the decision or at least two (2) City Councilmembers file a call for review with the Community Development Department no later than ten (10) days following the decision. It shall not be necessary for the two (2) Councilmembers requesting the call for review to state the same reason for the need for the call for review. Decisions that are appealed or called for review shall not become effective until the appeal or call for review is resolved by the City Council.
- c. *Final Decision of the City Council.* A decision by the City Council regarding an appeal or call for review shall become final on the date of the decision subject to judicial review pursuant to California Code of Civil Procedure Section 1094.5. Any petition for judicial review is subject to the provisions of California Code of Civil Procedure Section 1094.6 after the date of the City Council's decision.
- d. *End of Appeal or Call for Review Period.* When the end of an appeal or call for review period falls on a weekend or a statutory holiday, the period shall continue until the first working day thereafter.

(Ord. No. 3195 N.S., § 1, 11-7-2017; Ord. No. 3278 N.S., § 4, 5-5-2020)

30-25.3 - Reserved.

30-25.4 - Initiation of Appeals and Calls for Review.

- a. *Appeals of Actions of the Community Development Director or Zoning Administrator.* An appeal to the Planning Board concerning final actions of a Community Development Director or the Zoning Administrator shall be filed in writing with the Community Development Department and shall be accompanied by the required fees. In filing an appeal, the appellant shall specifically state the reasons or justification for an appeal.
- b. *Appeals of Actions of the Planning Board, Public Art Commission, or Historical Advisory Board.* An appeal to the City Council concerning final actions of the Planning Board, Public Art Commission, or Historical Advisory Board decision shall be filed in writing with the Community Development Department and shall be accompanied by the required fees. In filing an appeal, the applicant shall specifically state the reasons or justification for an appeal.
- c. *Calls for Review.* A call for review shall be filed in writing with the Community Development Department and shall state the reasons or justification for the call for review. All City of Alameda costs associated with the call for review, including staff time, technical assistance, and noticing the public hearing shall be funded by the General Fund and shall not be charged to the project applicant.

(Ord. No. 3195 N.S., § 1, 11-7-2017; Ord. No. 3278 N.S., § 4, 5-5-2020)

30-25.5 - Procedures for Appeals and Calls for Review.

- a. *Hearing Date.* Appeals or calls for review shall be scheduled for public hearing and decision by the Planning Board or Hi Advisory Board no later than the second regularly scheduled and held meeting following submittal of the appeal or call review. Appeals or calls for review shall be scheduled for public hearing and decision by the City Council no later than the second regularly scheduled and held meeting following submittal of the appeal or call for review. An alternative date for the hearing may be selected by mutual agreement of the original applicant, the City and appellant.
- b. *Notice and Public Hearing.* An appeal or call for review shall be a public hearing if the decision being appealed or reviewed required a public hearing. Notice of public hearings shall be given in the manner required for the decision being appealed.
- c. *Evidence.* The hearing shall be conducted as a de novo hearing. At the hearing, the Planning Board or City Council may consider the introduction of all pertinent material, including all documents constituting the administrative record.
- d. *Hearing.* At the hearing, any party or person may appear in person or by agent or attorney to provide testimony.
- e. *Decision and Notice.* The Planning Board or City Council may, so long as such action is in conformity with the terms of these regulations, reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination of the Community Development Director or Zoning Administrator or Planning Board, Public Art Commission, or Historical Advisory Board and may make such order, requirement, decision, or determination as is appropriate.

(Ord. No. 3195 N.S., § 1, 11-7-2017)

30-26 - FEES.

The following shall apply to fees established by this Chapter XXX, Development Regulations, in order to cover the costs to the City to process development applications:

- a. All filing fees shall be submitted in full at the time of application. Where a project requires more than one permit, the full fee shall be collected for each and every permit required.
- b. No filing fee shall be required for an application made by the City through its Planning Board, or by any City Department.
- c. Repealed.
- d. Portions of fees may be refunded upon withdrawal of an application. The amount of refund shall be determined by the Planning Director, based on the amount of work done by the City staff prior to withdrawal. No part of any fee shall be returnable after an application is heard by the Planning Board or Zoning Administrator.
- e. Fee credits may be granted toward resubmittal of an application if an application is withdrawn and resubmitted within sixty (60) days of the withdrawal with the prior written authorization of the Planning Director specifying the fee credit. The amount of credit shall be determined by the Planning Director, based on the amount of work done by the City staff prior to withdrawal.
- f. At the initiation of an applicant, and with the agreement of the Planning Director, expedited processing may be provided for complex projects such as, but not limited to: General Plan Amendments, rezonings, Development Plans and Master Plans, subdivisions or conversion to multiple houses, by the City retaining a consultant or extra-hire staff where the applicant agrees to pay all costs related to the arrangement for and provision of the consultant or extra-hire staff.
- g. From time to time, the City Council shall set by Resolution, the fee amounts to process development applications required in this chapter.

- h. Notwithstanding the penalties provided for under subsection 30-24.3, separate and additional penalty filing fees may be required when an application is a result of an enforcement action by the Planning Department or any other Department of the City of Alameda, in accordance with the fee schedule set by City Council Resolution.

(Ord. No. 2652 N.S. § 4; Ord. No. 1931 Exh. A; Ord. No. 2734 § 1)

ARTICLE II. - STRUCTURAL DESIGN REVIEW REGULATIONS

30-35 - PURPOSE, DECLARATIONS, FINDINGS.

30-35.1 - Intent.

It is the intent of the City Council in enacting this article to promote and protect the health, safety and general welfare of the City by conserving the value of property by encouraging construction of buildings which are compatible and harmonious with the decision and use of surrounding properties, and to discourage the construction of buildings which will have a deleterious effect upon, impair the occupancy of, or jeopardize the value of, such properties. At the same time it is the intent that the review and control procedures herein accommodate and stimulate a broad range of individual and creative design, so that monotony and mediocrity of construction will be avoided and owners of property are not deprived of the full, efficient and lawful use thereof.

(Ord. No. 1716 N.S.)

30-35.2 - Declarations, Findings.

The City Council finds and determines that inappropriate exterior design of improvements to real property affects adversely the general welfare of residents of the City because such design gives rise to conditions in which:

- a. The maintenance, repair, replacement or improvement of surrounding properties is discouraged with resulting degeneration thereof, and there is an accompanying deterioration of conditions which affect the health, safety, comfort and general welfare of the inhabitants of the area and the inhabitants of the City at large;
- b. The most appropriate development of other properties within the vicinity is impaired;
- c. Instability of property values in the general area occurs;
- d. The desirability of other properties within the vicinity for their classified land uses is affected adversely;
- e. The proper relationship between the taxable value of said real property in the vicinity and the cost of municipal services to such properties is threatened; and
- f. The benefits of occupancy of other property within the vicinity are threatened.

(Ord. No. 1716 N.S.)

30-35.3 - Purpose.

Land values and construction aesthetics are dependent upon one another if sound land use development is to be successfully promoted. The purpose of this article is to recognize such interdependence, and thereby to assist in the development of architectural standards and guidelines for all structures, buildings, and improvements to real property in the City.

(Ord. No. 1716 N.S.)

30-36 - DESIGN REVIEW PROCEDURE.

Footnotes:

--- (4) ---

Editor's note— Ord. No. 3027 N.S., § 1, adopted March 1, 2011, amended 30-36 in its entirety and enacted similar provisions as set out herein. The former 30-36 derived from Ord. No. 1716 N.S.; Ord. No. 1983 N.S.; Ord. No. 2599 N.S., § 1; and Ord. No. 2625 N.S., § 1.

30-36.1 - Design Review Staff.

The review of applications required by this article shall be made by the Planning Staff designated by the Planning Director. In those instances where the Planning Director believes an application will generate significant public interest, involve policy issues, or require other entitlements to be reviewed by the Zoning Administrator or Planning Board, the Planning Director shall refer the application to either the Zoning Administrator or the Planning Board for review and action.

(Ord. No. 3027 N.S., § 1, 3-1-2011)

30-36.2 - Notice.

At least ten (10) days before final decision by the Planning Director on a Design Review application, a notice shall be sent to the owners of property located within one hundred (100') feet of the property line of the applying property and prominently posted on the project site regarding the application and the opportunity to comment on the proposed design. Public comments may be submitted to the Planning Department within ten (10) calendar days of the date of the notice. No hearings on Design Review applications are required; however, the Planning Director may refer an application to hearing as provided for in subsection 30-36.1. Applications referred to the Zoning Administrator or Planning Board shall be noticed in conformance with Zoning Administrator or Planning Board noticing procedures.

(Ord. No. 3027 N.S., § 1, 3-1-2011)

30-36.3 - Notice of Decision.

Final action on a Design Review shall be made in writing listing any conditions of approval. A copy of the action shall be mailed to the applicant, provided to the Planning Board at the next regularly scheduled meeting, and to any person or interested party that has requested notice. The date of the final action shall be the date the Notice of Decision is postmarked.

(Ord. No. 3027 N.S., § 1, 3-1-2011)

30-36.4 - Appeals and Calls for Review.

Any person dissatisfied with a final decision of the Planning Director may file an appeal to the Planning Board within ten (10) calendar days from the date the Notice of Decision pursuant to Section 30-25. Failure to file a timely appeal shall result in a waiver of the right to appeal. The appeal shall state in detail the factual basis for the appeal. Appeals shall be heard pursuant to Section 30-25. The decision of the Planning Director may be called for review pursuant to Section 30-25.

(Ord. No. 3027 N.S., § 1, 3-1-2011; Ord. No. 3278 N.S., § 5, 5-5-2020)

30-37 - DESIGN REVIEW REGULATIONS.

Footnotes:

--- (5) ---

Editor's note— Ord. No. 3027, § 2, adopted March 1, 2011, amended 30-37 in its entirety and adopted similar provisions as set out herein. The former 30-37 derived from Ord. No. 1716 N.S.; Ord. No. 1801 N.S.; Ord. No. 1873 N.S.; Ord. No. 1983 N.S.; Ord. No. 2340 N.S.; Ord. No. 2487 N.S.; Ord. No. 2574 N.S., § 2; Ord. No. 2599 N.S., § 1; Ord. No. 2920 N.S., § 35; Ord. No. 2943 N.S. § 15; and Ord. No. 3016 N.S., s.; 1, adopted April 6, 2010.

30-37.1 - Definitions.

- a. *Addition*: For the purposes of this chapter; the creation of any new portion of a building which results in a vertical or horizontal extension of the building visible from the outside of the building.
- b. *Alteration*: For the purposes of this chapter, the exterior modification, including, but not limited to, an addition, removal and/or modification of windows, doors roofing, siding or visible part of foundation of any structure main or accessory structure that requires a building permit.
- c. *Architectural Style*: The characteristic form and detail of buildings from a particular historical period or school or architecture, e.g., Post Modern, Neo-Traditional, Spanish-Mediterranean.
- d. *Building*: Any enclosed structure having a roof and supported by columns or walls.
- e. *Improvements*: Construction of a structure, an addition, or alteration to the exterior of a structure affixed to real property, which requires a building permit.
- f. *Replacement-in-Kind*: Replacement of any architectural element which is identical to the original element in terms of location, size, and shape; and is made of materials that outwardly have the same dimensions, proportions, details, and textures of the original architectural element 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 replacement element(s) shall be consistent with the structure's original architectural style as set forth in the City of Alameda Design Review Manual.
- g. *Structure*: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A building is a Structure for the purposes of this section.

(Ord. No. 3027 N.S., § 2, 3-1-2011)

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 style of the structure and that outwardly appear unchanged from the original architectural style. If the original 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.

(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 (2) 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 Director upon application for up to two (2) additional years from the date of expiration.

(Ord. No. 3027 N.S., § 2, 3-1-2011; Ord. No. 3168, § 7, 11-15-2016)

30-38 - SPECIAL PROVISIONS.

30-38.1 - Prohibitions.

No building permit, license, certificate, entitlement or other approval shall be issued or given by the City or by any department thereof with respect to any improvement subject to Design Review until the design of the improvement has been approved as in this article provided. No occupancy certificate or similar approval shall be issued or given for any improvement subject to Design Review hereunder unless and until the Planning Director has certified such improvement has been completed in accordance with a design approved in accordance with this article.

(Ord. No. 1716 N.S.)

30-38.2 - Nuisance.

Any improvement constructed, located, repaired, altered or maintained in violation of the provisions hereof is hereby declared to be unlawful and a public nuisance, abatable in the manner provided for elsewhere in this Code or in the general law.

(Ord. No. 1716 N.S.)

30-38.3 - Other Public Agencies.

Insofar as permitted by law, or by the agency involved, the Design Review Staff shall review the design of all improvements to be constructed by any public district or any governmental agency. Such review shall be in accordance with the factors and criteria set out hereinabove, following which the staff shall submit a written report of its recommendation and comments to the body proposing to construct the improvements.

(Ord. No. 1716 N.S.; Ord. No. 1983)

30-38.4 - Other Regulations.

Nothing in this article shall be construed to exempt any person or entity from compliance with any requirement of any other regulation or ordinance, nor to amend any such other ordinance.

(Ord. No. 1716 N.S.)

30-38.5 - Design Review Manual; Preparation by Design Review Staff.

It shall be the duty of the Design Review Staff to prepare a Design Review Manual that will provide guidance to applicants seeking to comply with subsection 30-37.5a of this article. The Manual may separate residential, commercial and industrial uses by sections or constitute a separate Manual for each of the uses. Graphic illustrations may be used as examples of good or bad design and such examples need not be limited to improvements within the City. The Manual may be revised as experience dictates and examples of approved projects considered successful by the staff should be included therein. Copies of the Manual shall be made available to the public in the Planning Director's office. The City Council may review the manual at such times as it deems appropriate and approve or disapprove any part thereof.

(Ord. No. 1716 N.S.; Ord. No. 1983 N.S.)

ARTICLE III. - MULTIPLE DWELLING UNITS

30-50 - POLICY AND DECLARATIONS.

30-50.1 - Declaration of Policy.

Article XXVI, an initiative amendment to the City's Charter, provides:

"Sec. 26-1. There shall be no multiple dwelling units built in the City of Alameda."

"Sec. 26-2. Exception being the Alameda Housing Authority replacement of existing low cost housing units and the proposed Senior Citizens low cost housing complex, pursuant to Article XXIV Charter of the City of Alameda."

The City Council declares and determines:

- a. The proliferation throughout the City of residential dwellings in attached groups of more than two (2) units has created and, if continued, will further create, land use densities and other undesirable effects to a degree which affects adversely the environment and the quality of living conditions necessary to and desirable by the people. For this and other reasons the Charter amendment should be interpreted in accordance with the intent of the framers thereof, which intent is hereby found to be a prohibition against the construction of dwelling units of more than two (2) attached in the same structure as hereinbelow set forth.
- b. That in order to put into full effect the intent of the electorate in adding the sections to the Charter, it is necessary to clarify the wording thereof by defining the phrase, "multiple dwelling units," so that legislative policy will be followed in the implementation and administration of the amendment as applied to specific residential housing sought to be constructed within the City.

(Ord. No. 1693 N.S.)

30-50.2 - Declaration of Intent and Determinations.

The City Council further finds and determines that, insofar as they are consistent with the provisions of this article, the zoning and subdivision regulations (found in Articles I and II of this chapter, and the provisions of the General Plan, shall be and remain applicable in their effect upon multiple dwelling units permitted to be built under Charter Article XXVI.

(Ord. No. 1693 N.S.)

30-51 - DEFINITIONS AND EXCLUSIONS.

30-51.1 - Definitions.

For the purposes of Section 26-1, Article XXVI of the Charter, and this article, the following definitions shall be applicable:

Attached dwelling shall mean a dwelling which is joined to another dwelling at one (1) or more sides by a common wall or walls or other common features. Such dwelling unit is semi-attached if it is characterized by a common wall only (ground to roof) between similar units on one (1) or both adjoining lots.

Destroyed structure shall mean a residential building containing multiple dwelling units which is damaged to the extent of more than seventy (70%) percent of its value, or destroyed, by an accidental circumstance, including vis major, act of God, irresistible and insuperable cause occurring without the intervention of the owner or his agent, earthquake, lightning, storm, flood, fire caused by an outside or unavoidable means, enemy action, insurrection, riot, calamity caused by the elements, or other destruction reasonable beyond the control of the owner or his agent.

Detached dwelling shall mean a dwelling which is entirely surrounded by open space on the same single lot of record, the amount of which space corresponds to the regulations set forth in Articles I and II hereinabove. Such dwelling unit has no common wall, ceiling or feature with any other similar unit, and is designed and intended for occupancy by one (1) family.

Dwelling shall mean a building or portion thereof designed exclusively for residential occupancy, but not including hotels, motels, shared living, or house trailers, if the latter five (5) entities are located in approved districts or zones.

Dwelling unit shall mean a group of rooms, including one (1) kitchen, a bath and sleeping quarters designed for and not occupied by more than one (1) family.

Multiple dwelling units shall mean a residential building, whether a single structure or consisting of attached or semi-attached structures, designed, intended or used to house, or for occupancy by, three (3) or more families, or living groups, living independently of each other, located in districts or zones authorized therefor. Each such family or group is deemed to occupy one (1) such dwelling unit.

Row dwellings shall mean a row of attached or semi-attached dwellings containing three (3) or more dwelling units, or a building in such a row, the structures containing which dwellings are connected in series. The characteristic of such structures is the common wall between them, whether or not they are located on single and separate lots. A town house or any other designation of this type of structure is a row dwelling if there are more than two (2) such units so connected.

(Ord. No. 1693 N.S.)

(Ord. No. 3183 N.S., § 9, 7-5-2017)

30-51.2 - Included Definitions.

Words, phrases, designations and uses not hereinabove specifically defined shall have the meanings ascribed to them by Section 30-2 of Article I of this chapter.

(Ord. No. 1693 N.S.)

30-51.3 - Multiple Dwelling Unit; Exclusions.

Multiple dwelling units, construction of which is prohibited by this article and by Article XXVI of the Charter, shall not be deemed to mean or include:

- a. Dwelling, one-family;
- b. Dwelling, two-family;
- c. Dwelling units, not more than two (2) in number, in combination with a business, commercial or professional structure, provided the combined uses are located within an authorized district or zone;
- d. Row dwellings, row houses, town houses, or similar types, provided no more than two (2) such units are connected or attached;
- e. Hotels and motels designed for transient occupancy only, and shared living.

(Ord. No. 1693 N.S.)

(Ord. No. 3183 N.S., § 10, 7-5-2017)

30-51.4 - Permits or Entitlements Issued, Applications Therefor Pending.

If, prior to the effective date of the Charter amendment, the City has issued a building permit or other entitlement for a multiple dwelling unit, or has duly approved a plan for a project containing or to contain such a unit, the permittee thereunder shall be deemed to have acquired a vested right to construct or reconstruct such structure, unit or plan; provided, however, no substantial changes may be made in any such development without complying with this article.

If, prior to the date, a person had applied for a building permit for a structure or project containing a multiple dwelling unit, and had submitted the plans required by the Building Code or other regulations, and such plans in the opinion of the Building Official require no substantial changes, corrections, deletions or additions, the Council may authorize the issuance of the permit if it finds the applicant has in good faith incurred expenses in reliance upon his submission of the application for a permit.

(Ord. No. 1693 N.S.)

30-52 - REHABILITATION, REMODELING OR ALTERATION OF EXISTING STRUCTURES.

30-52.1 - Rehabilitation or Remodeling.

Existing multiple dwelling units may be rehabilitated or remodeled, provided that they comply with the provisions of this chapter.

(Ord. No. 2219 N.S.)

30-52.2 - Alteration of Multiple Dwelling Units.

Any interpretation of the term "built", as used in Article XXVI of the City Charter, notwithstanding, no building shall be altered to increase the number of multiple dwelling units contained therein.

(Ord. No. 2219 N.S.)

30-52.3 - Alteration of Other Buildings.

No building which does not contain multiple dwelling units shall be altered in such a way that it contains more than two (2) dwelling units.

(Ord. No. 2219 N.S.)

30-53 - MULTIPLE DWELLING UNITS PROHIBITED.

30-53.1 - Charter Amendment Operative.

From and after the effective date of Article XXVI of the City Charter there shall be no multiple dwelling units built in the City of Alameda, except as provided in Section 26-2 of said article.

(Ord. No. 1693 N.S.)

30-53.2 - Building Permits.

There shall be no building permits or other entitlements issued by the City for the construction of any multiple dwelling unit within the City, and no application or plan for any project which contains, or proposes to contain, such unit shall be approved by the City or any of its officials, employees or departments.

(Ord. No. 1693 N.S.)

30-53.3 - Exception, Destroyed Building.

A building permit may, notwithstanding the immediately preceding subsection, be issued to rebuild all dwelling units, or any parts thereof, of record at the time the building within which they are located becomes a destroyed structure, as defined in subsection 30-51.1 provided that all codes and regulations other than the zoning regulation density requirements are met by the reconstruction. All zoning regulation requirements which do not require a smaller number of units smaller in area shall be met.

(Ord. No. 1693 N.S.; Ord. No. 2278 N.S.)

30-53.4 - Applicability.

The prohibitions in this section contained shall be subject to each and every provision of section contained shall be subject to each and every provision of Sections 30-50 to 30-52 of this article, and the declarations, findings, definitions, exclusions and other provisions of this article shall govern the applicability of this section.

(Ord. No. 1693 N.S.)

ARTICLE IIIA. - ALAMEDA WATER REUSE

30-57 - ALAMEDA WATER REUSE.

30-57.1 - Title.

This section shall be known as the Alameda Water Reuse Ordinance.

(Ord. No. 2876 N.S. § 1)

30-57.2 - Definitions.

As used in this section:

City-Designated Water Reuse Area shall mean geographical areas designated by the City, within the EBMUD Designated Water Reuse Areas, to use recycled water provided by EBMUD.

EBMUD Designated Water Reuse Area shall mean precise geographical areas designated by EBMUD to which EBMUD will provide water service with a dependable supply of recycled water where it has been determined to be feasible or will be determined to be feasible.

EBMUD shall mean the East Bay Municipal Utility District.

Potable water shall mean water which conforms to federal, state and local agency standards for human consumption.

Recycled water shall mean non-potable water of waste water origin, which, as a result of treatment, is suitable for use as set forth in this section, or controlled use that would not otherwise occur. This term is used interchangeably with reclaimed water.

Water Reuse System shall mean a system intended for the delivery of recycled water separate from any potable water distribution system, including, but not limited to, pipelines, pumps, and reservoirs. The system controls the source of supply to the point of connection with building or structural lateral supply pipeline, intended for the delivery of recycled water. The system also complies with all material and construction specifications contained in the City codes and other applicable state and federal laws.

(Ord. No. 2876 N.S. § 1)

30-57.3 - Findings.

The City of Alameda finds that:

- a. The people of the State of California have an interest in meeting the future water requirements of the State of California;
- b. Conservation of available water resources requires the maximum reuse of water for beneficial uses;
- c. Continued use of potable water for irrigation of greenbelt areas and for other uses which require large amounts of water where the use of recycled water is suitable may be an unreasonable use of such water where recycled water is available; and
- d. The purpose of this section is to encourage development of water reuse projects when they are feasible and consistent with applicable legal, public health, safety, and environmental requirements, to establish procedures and work through joint effort with EBMUD to facilitate the reuse of water.

(Ord. No. 2876 N.S. § 1)

30-57.4 - Designation of Water Reuse Areas.

- a. Certain areas may be designated by EBMUD as designated water reuse areas within the City ("EBMUD Designated Water Reuse Area"). EBMUD is required to notify the City of the areas eligible to receive recycled water and the necessary infrastructure EBMUD will provide to support delivery of the recycled water. The EBMUD Designated Water Reuse Area shall be the "City-Designated Water Reuse Area", unless the City Council acts to adopt specific areas within the EBMUD Designated Water Reuse Area to be the City-Designated Water Reuse Area.
- b. The City shall maintain a copy of the boundary descriptions for the City-Designated Water Reuse Areas on file with the Public Works Department.

(Ord. No. 2876 N.S. § 1)

30-57.5 - Development Applications.

New industrial, commercial or residential subdivisions that are within the City-Designated Water Reuse Area for which a tentative map or parcel map is required, shall use recycled water provided by EBMUD, and have a separate plumbing system to serve recycled water uses in the common areas of the subdivision, including, but not limited to, golf courses, parks, greenbelts, and landscaped medians. This system must be independent of the provided plumbing system serving the domestic, residential, and other potable uses in the subdivision.

(Ord. No. 2876 N.S. § 1)

30-57.6 - Private Suppliers.

In the event that EBMUD proposes that a private utility or public agency retail water supplier supplies recycled water to a particular area in the City, there must be a written agreement between the water supplier and EBMUD in order for the recycled water service to be provided. The written agreement shall be provided to the City in a timely manner by EBMUD.

(Ord. No. 2876 N.S. § 1)

30-57.7 - Exemptions.

The City Engineer or his/her designee may exempt new industrial, commercial or residential subdivisions from the requirements of this section if he/she finds that there is an alternative higher or better use for recycled water, the use is not economically justified, or its use is technically infeasible. If the City Engineer or his/her designee determines that it is appropriate to exempt the subdivision from the ordinance codified in this section, the City Engineer shall notify the Planning Board and City Council of this decision.

(Ord. No. 2876 N.S. § 1; Ord. No. 2907 N.S. § 1)

ARTICLE IV. - BAY-FRIENDLY AND WATER EFFICIENT LANDSCAPE ORDINANCE

Footnotes:

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Editor's note— Ord. No. 3153 N.S., § 1, adopted June 7, 2016, in effect repealed the former Article IV, §§ 30-58—30-58.2 and 30-59—30-59.3, and enacted a new Article IV as set out herein. The former Article IV pertained to water: conservation landscaping and derived from Ordinance No. 2389 N.S.; Ord. No. 2574 N.S. and Ord. No. 3049 N.S., adopted June 26, 2012

30-58.1 - Purpose.

The purpose of this article shall be to:

- a. Promote quality, water-efficient landscaping, while recognizing Alameda's unique climate, soil conditions, and development patterns.
- b. Support Municipal Utilities District (EBMUD) in its efforts to promote and implement water conservation measures.
- c. Implement the most recently adopted State MWEL (California Code of Regulations, Title 23, Division 2, Chapter 2.7).
- d. Establish standards for sustainable landscape practices in accord with the current version of the StopWaste.Org Bay Friendly Landscape protocols.
- e. Divert plant debris from landfills.
- f. Promote the use of greywater systems.
- g. Discourage the planting of invasive plants.

(Ord. No. 3153 N.S., § 1, 6-7-2016)

30-58.2 - General.

The State of California MWEL (California Code of Regulations, Title 23, Division 2, Chapter 2.7), is incorporated into this Article by reference and shall be implemented by the City of Alameda. In addition the following provisions shall apply.

(Ord. No. 3153 N.S., § 1, 6-7-2016)

30-58.3 - Definitions.

In addition to the definitions listed in this section, all definitions in the State MWEL shall apply (California Code of Regulations, Title 23, Div. 2, Section 491).

- a. *Bay-Friendly Landscape Guidelines* means the most recent version of guidelines developed by StopWaste.Org for use in the professional design, construction and maintenance of landscapes. City staff shall maintain the most recent version of the Bay-Friendly Landscape Guidelines at all times.
- b. *Bay-Friendly Landscaping scorecard* means the most recent version of the Bay-Friendly Landscaping points system developed by StopWaste.Org. City staff shall maintain the most recent version of the Bay-Friendly Landscaping scorecard in the planning and building department at all times.
- c. *Covered project* means:
 - 1. New projects with an aggregate of five hundred (500) square feet or more of landscaped area;
 - 2. Projects with rehabilitated landscape areas over twenty-five hundred (2,500) square feet.
- d. *Landscape Documentation Package Checklist* means a list of the required submittal materials for review of a Landscape Document Package. City staff shall maintain the Landscape Documentation Checklist to ensure compliance with the state's most recently adopted MWEL.
- e. *Renovation* means any change, addition or modification to an existing landscape.
- f. *Standard Landscaping Conditions of Approval* means a list of standard conditions of approval that ensure a project's compliance with the state's most recently adopted MWEL. City staff shall maintain the Standard Landscaping Conditions of Approval to ensure compliance with the most recently adopted MWEL.

(Ord. No. 3153 N.S., § 1, 6-7-2016)

30-58.4 - Requirements.

- a. The provisions of the State of California MWEL (California Code of Regulations, Title 23, Division 2, Chapter 2.7), shall be implemented by the City of Alameda.
- b. For all covered projects that require the approval of a building permit, plan check or design review, the applicant/developer shall:
 - 1. Submit a Landscape Document Package compliant with the most recent version of the Landscape Document Package Checklist, on file with the Community Development Department;
 - 2. Record the date of approval of the Landscape Document Package in the Certificate of Completion;
 - 3. Upon approval of the Landscape Document Package, submit a copy of the Water Efficient Landscape Worksheet to EBMUD;
 - 4. Be subject to the Standard Landscape Conditions of Approval and most recently adopted Bay-Friendly Landscaping Guidelines;
 - 5. Submit a Certificate of Completion upon approval of the Landscape Document Package and issuance of permits.
- c. The provisions of this section shall not apply to:

1. Registered local, state or federal historical sites;
 2. Ecological restoration projects that do not require a permanent irrigation system;
 3. Existing plant collections, as part of botanical gardens and arboretums open to the public.
- d. Landscape plans for covered projects with landscaped areas less than two thousand five hundred (2,500) square feet in size, may either comply with the provisions of Section 30-58.1(a) above, or conform to the prescriptive measures of Appendix D of the Landscape Document Package Checklist.
- e. For projects using treated or untreated graywater or rainwater captured on site, any lot or parcel within the project that has less than two thousand five hundred (2,500) square feet of landscape and meets the lot or parcel's landscape water requirement (estimated total water use) entirely with treated or untreated graywater or through stored rainwater captured on site is subject only to Appendix B condition (4) of the most recently adopted Landscape Document Package Checklist.
- f. All covered projects are required to divert (reuse or recycle) one hundred (100%) percent of excavated soil and plant and land clearing debris.
- g. Plants located adjacent to buildings, sidewalks, roads or other obstructions shall be installed to accommodate their minimum spread, according to a published third-party reference.
- h. Plant species considered invasive by the California Invasive Plant Council shall not be installed.
- i. All covered projects that are either owned or maintained by the City or developed as a public-private partnership that equals or exceeds one hundred thousand (\$100,000.00) dollars (in 2009 dollars) in construction costs and adjusted annually to reflect changes in the San Francisco Bay Area Construction Cost Index published in Engineering News Record Magazine initiated on or after the effective date of this chapter shall meet the most recent minimum Bay-Friendly Landscape scorecard.

(Ord. No. 3153 N.S., § 1, 6-7-2016)

ARTICLE V. - RESERVED

ARTICLE VI. - REAL ESTATE SUBDIVISION REGULATIONS

30-73 - PURPOSE.

This article is adopted for the following purposes:

- a. To establish minimum permissible regulations for the division and subdivision of land into two (2) or more parcels.
- b. To provide a guide for owners in the property division of their land, and for the Planning Board in its consideration of proposed land divisions.
- c. To serve as a means of implementing the Official Alameda General Plan, and accomplishing the portions of the General Plan which apply to the properties proposed for division or subdivision under the regulations of this article.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

30-74 - DEFINITIONS.

Words and phrases used in this article, unless otherwise defined, shall have the same meaning as they do in Chapter 1 of Division 2 of Title VII of the Subdivision Map Act which is part of the Government Code of the State of California, the Condominium Act, Title 6, Chapter 1, of the Civil Code of the State of California and the zoning regulations of the City of Alameda.

Division of land shall mean the division of any real property or condominium project, improved or unimproved, or portion thereof shown on the latest equalized County assessment roll as a lot or contiguous lots, which is divided for the purpose of sale or lease, whether immediate or future, by any subdivider into two (2) or more parcels; provided that this article shall not apply to the leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, or commercial building, gas leases or leases of land for agricultural purposes, or the financing or leasing of commercial or industrial buildings on a single lot. Nothing in this definition shall be construed as authorizing divisions of land made prior to the date of this article not in conformance with the prior ordinance and applicable State laws.

Latest equalized County assessment roll shall mean the roll as of September 1, 1973 and as it may be changed by division of land in conformance with this article and applicable State laws.

Map Act shall mean the Subdivision Map Act of the State of California, and amendments thereto.

Owner shall mean the individual, firm, association, syndicate, co-partnership or corporation having sufficient proprietary interest in the land sought to be divided or subdivided to commence and maintain proceedings to do so under the provisions of this article.

Unit shall mean those elements of a condominium or other development where ownership is divided into individual and common areas, which are not owned in common with other owners in the project.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.; Ord. No. 1850 N.S.; Ord. No. 2077 N.S.)

30-75 - ADVISORY AGENCY.

30-75.1 - Designated.

The City Planning Board, hereinafter referred to as the Planning Board, is hereby designated as the Advisory Agency, with respect to subdivisions, as provided in the Subdivision Map Act of the State of California, and is hereby charged with the duty of making investigations and reports on the design and improvement of proposed divisions of land requiring the recordation of a subdivision final map or parcel map and with the approval of property division maps.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

30-75.2 - Powers and Duties.

The Planning Board shall have all the powers and duties with respect to the design and improvement of preliminary plans, tentative and final maps, parcel maps, and the procedure relating thereto, subject to the powers of the City Council, which are specified by law and by this article.

(Ord. No. 1728 N.S.)

30-76 - GENERAL PROVISIONS.

30-76.1 - Compliance Required.

It shall be unlawful for any individual, firm, association, trust or any other legal entity, as principal, agent, or otherwise to offer to sell, to contract to sell, or to sell any division or subdivision of land or any part thereof in the City, unless and until all of the requirements hereinafter provided have been complied with.

(Ord. No. 1728 N.S.)

30-76.2 - Contiguous Lots.

Contiguous lots held by a common owner of record, irrespective of lien holders or mortgage holders, whether or not created by plat map or subdivision map, shall be merged as one (1) lot for purposes of this article and compliance with the provisions of this article shall be required before redivision thereof unless exempted by the provisions of the Subdivision Map Act.

(Ord. No. 1783 N.S.; Ord. No. 1902 N.S.; Ord. No. 2077 N.S.; Ord. No. 2200 N.S.)

30-76.3 - Time Extensions and Temporary Staff.

- a. The time limits specified in this article for reporting and acting on maps may be extended by mutual consent of the City and applicant.
- b. At the time an application is filed hereunder the City shall determine whether or not it is able to meet the time limits specified herein for reporting and acting on maps. If the City determines it cannot meet those time limits, it shall, upon request of and at the applicant's expense, engage temporary help to process the map if qualified persons are available who can process the map faster than existing staff.

(Ord. No. 2051 N.S.)

30-76.4 - Subdivision Conference.

Prior to the filing of a map, the subdivider may request a conference with the Planning Director for a general discussion of his plan and of the subdivision standards and requirements of the City.

(Ord. No. 1728 N.S.; Ord. No. 2051 N.S.)

30-77 - PRELIMINARY PLAN.

30-77.1 - Filing Procedure.

- a. Prior to the filing of a tentative map, or parcel map, the subdivider shall submit to the Planning Board, a preliminary plan showing the following information:
 1. Approximate design and dimensions of streets and lots, proposed school, park and other public areas, existing and proposed uses of land for residential, commercial or industrial purposes, and the relationship of the foregoing to existing adjoining developments, zoning and the General Plan.
 2. Topographic and water features, proposals for homeowner organizations and covenants of restrictions, proposed home size and cost ranges, proposed variations in setbacks, plans and elevations, and orientations of residential structures.
 3. Proposals for treatment of utility installations and special features such as reservations for hospitals and churches.

4. Proposals for the size and shape, dimension and functions of water areas.
- b. An approved Planned Development shall constitute the preliminary plan where such approval is required.
- c. Where approval is required for condominium conversion under Section 30-8, that approval shall constitute the preliminary plan.
- d. Maps which cannot be filed for any reason hereunder may, at the discretion of the Planning Board, be reviewed as preliminary plans in conjunction with zoning approvals applicable thereto.

(Ord. No. 1728 N.S.; Ord. No. 1793 N.S.; Ord. No. 1850 N.S.; Ord. No. 1918 N.S.)

30-77.2 - Planning Board Review.

The Planning Board shall review the preliminary plan and make such suggestions as will provide guidance to the subdivider in the preparation of a well designed and acceptable division of land.

(Ord. No. 1728 N.S.)

30-78 - TENTATIVE AND PARCEL MAPS.

30-78.1 - Information Required for Tentative Map.

The tentative map of a subdivision shall be twenty-two inches by thirty inches (22" x 30") in size and drawn to a scale of one inch equals not more than fifty feet (1" = 50') and shall be prepared by a licensed land surveyor or a registered civil engineer and shall contain the following information:

- a. The tract number or other description as established by the recorder of the County of Alameda, State of California.
- b. A description and delineation sufficient to define the location and boundaries of the tract. Political subdivision lines and important survey lines shall be shown.
- c. Date, north point and scale.
- d. Names and addresses of present owners of record and recording data.
- e. Name and address of the subdivider.
- f. Name and address of the registered engineer or licensed surveyor who prepared the map.
- g. Elevations and/or contours sufficient to determine the general slope of the land and the high and low points thereof.
- h. The locations, names, widths and approximate grades of all ways, roads, streets, highways and railways, existing and proposed within the tract and within the surrounding adjacent lands.
- i. The tract, block and lot names and/or numbers of adjoining subdivisions of record or names of individual lot owners.
- j. The dimensions, locations and purposes of all existing and all proposed streets and sidewalks, easements, walkways, water areas, bulkheads, seawalls, retaining walls or other earth retaining methods, within the tract or adjacent to the tract.
- k. The locations and sizes of sanitary sewers, culverts, and drainage structures, existing and proposed in the tract and adjacent to the tract.
- l. The locations of all water, gas and electric lines, and of all fire hydrants, fire alarm systems, street lights, and any

other necessary utilities existing or proposed within the tract or adjacent thereto.

- m. Approximate lot layout and dimensions of each lot. Lots shall be numbered.
- n. The dimensions and locations of any existing buildings which are to remain on the property.
- o. If any portion of any land within the boundaries of a proposed subdivision or adjacent thereto is subject to overflow, inundation or flooding by storm or tidal waters, that portion of the land shall be clearly indicated.
- p. A subdivider's statement to appear upon, or to accompany the Map fully describing the following:
 - 1. Existing use or uses of the property.
 - 2. Proposed use or uses of the property.
 - 3. The improvements and public utilities proposed to be made or installed, and the time at which such improvements are proposed to be completed.
 - 4. Public areas proposed for dedication, reservation or limited use.
 - 5. Tree planting and landscaping.
 - 6. A statement enumerating all items (if any) that are not in conformance with the current City building and zoning codes.
 - 7. A written request, and reasons therefor, for any exceptions to the provisions of this article, which are deemed necessary to the subdivision by the subdividers.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

30-78.2 - Information Required for Parcel Map.

The map of the division of land into four (4) or less parcels shall show the information required by the Map Act and the City Engineer. The City Engineer may require additional information, which does not affect record title interest, in the form of additional map sheets. These additional sheets shall be recorded simultaneously with the parcel map in accordance with the provisions of Section 66434.2 of the Subdivision Map Act. In the event street construction, improvement or widening, dedication, or reservations for public purposes are required, the City Council may give conditional approval to a parcel map presented under this subsection, the approval being conditioned by and contingent upon the construction of any street, or the improvement or widening thereof, as required by the City Council, and the requisite offering for dedication or reservation of the same for public purposes; or upon the execution by the person, firm or corporation seeking to file the parcel map of an agreement substantially in conformance with subsection 30-85.3 of this Code, together with the filing of the bond required in that section. In either case, the City Council may set time limitations within which the street construction, improvements, dedications or reservations for public use must be accomplished.

(Ord. No. 1728 N.S.; Ord. No. 2374 N.S.)

30-78.3 - Filing of Tentative Map or Parcel Map With Planning Board.

- a. Four (4) copies of a proposed tentative map or parcel map of the proposed division of any land, together with the additional data required, shall be submitted to the Secretary of the Planning Board.
- b. Repealed.
- c. Upon submittal of a proposed tentative map or parcel map, the Secretary of the Planning Board shall transmit three (3) copies to the City Engineer who shall, within five (5) working days, examine it to determine if it is suitable for review. A map shall be determined suitable for review when it appears to contain all required information in the required form. If the City Engineer finds that the map is not suitable for review, the City Engineer shall return it to the

Planning Director with a brief summary of its deficiencies. The Planning Director shall return the map to the subdivider with the summary and/or a summary of the Planning Director's findings of deficiency. If additions to the map are required the subdivider shall resubmit the map. If the City Engineer and the Planning Director find that the map is suitable for review the Planning Director shall issue to the subdivider a memorandum that proposed tentative map or parcel map is suitable for review (MSFR).

- d. After the MSFR is issued the subdivider may submit, to the Secretary of the Planning Board, forty (40) copies of the proposed tentative map or thirty-four (34) copies of the proposed parcel map of the proposed division of land together with a duplicate tracing of such map. The City Engineer shall determine whether the map conforms to all local and State regulations. If no corrections, additions or changes are initiated by the subdivider within fourteen (14) working days of either the submittal of the map or the latest correction, addition, or change thereto initiated by the subdivider, the City Engineer shall issue to the subdivider a memorandum that proposed tentative map or parcel map is suitable for filing (MSFF).
- e. After the MSFF is issued the subdivider shall file with the Secretary of the Planning Board the tentative or parcel map, together with the copies enumerated in paragraph d., at least seventeen (17) working days prior to the Planning Board meeting at which consideration of the map is desired. Upon filing of a tentative map or parcel map, the Secretary of the Planning Board shall transmit copies to other departments and agencies concerned. Each department or agency receiving a copy shall examine the map to ascertain if the proposed division of land conforms to its standards and requirements, and shall, within five (5) working days, submit a written report thereon to the Planning Director who shall submit, seven (7) working days prior to the date of the meeting at which consideration of the map is requested, a written report to the Planning Board, including the comments and recommendations of all departments and agencies concerned.
- f. No maps may be filed until necessary zoning approvals have been secured and an environmental impact report, if required, has been certified for the project covered by the application.
- g. Tentative or parcel maps which the Planning Board authorizes for review by the staff and the Board as part of preliminary plans, pursuant to Section 30-77 of this article meet the procedural requirements of paragraphs a. through e. of this subsection if the City Engineer and City Planning Director issue to the subdivider a memorandum that the tentative map or parcel map is suitable for filing pursuant to Section 30-77 of this article. The memorandum shall be issued only if all reviews and reports required pursuant to paragraphs a. through f. of this subsection have been completed. If said memorandum is issued the tentative or parcel map shall be filed at least eight (8) working days prior to the date of the Planning Board meeting at which consideration of the map is desired. In the event that the subdivider is permitted to submit a map pursuant to Section 30-77 of this article, the subdivider shall pay, in addition to the fees required by paragraph b. of this subsection, the costs of all staff time required to review changes required on the map or supporting documents as result of the changes made by the subdivider or the Planning Board in either the PD or other zoning applications or zoning approval required, pursuant to subsection 30-77.1a. and b. and paragraph f. of this subsection, before maps can be filed under this subsection. The costs for engineering staff shall include all reasonable engineering costs expended by the City Engineer's office, including overhead. The costs for planning staff shall be set by City Council Resolution.

(Ord. No. 2652 N.S. § 5; Ord. No. 1728 N.S.; Ord. No. 1850 N.S.; Ord. No. 1931 Exh. A No.'s 8, 9 and 10; Ord. No. 2579 N.S. § 8)

30-78.4 - Consideration of Tentative Map or Parcel Map.

- a. The Planning Board shall consider tentative maps or parcel maps of proposed divisions of land as to their excellence of design and improvement, suitability of existing and proposed land use relationship, conformity with zoning and other standards and regulations, and conformity with the various elements of the General Plan.

- b. The Planning Board may require that the subdivider reserve, or may suggest the desirability of his dedicating suitable a the schools, parks, and playgrounds and other public sites which will be required for the use and service of the persons will occupy the subdivision under the plan of proposed property uses. The Planning Board shall suggest such measures make for desirable community development.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

30-78.5 - Action on Tentative Map or Parcel Map.

- a. The Planning Board shall, within fifty (50) days from the date of filing, or instead, if an EIR has been certified, within forty-five (45) days of the certification, determine and file its report with the City Council whether the tentative map or parcel map meets proper standards for design and improvement and meets engineering and other standards of the City, presents an acceptable comprehensive plan, and conforms to the elements of the General Plan, and upon such determination, shall recommend approval, conditional approval, or disapproval of the map. The Board shall not recommend the approval of a tentative map if it makes any of the following findings:
 - 1. That the proposal is not consistent with applicable General Plans and Specific Plans.
 - 2. That the design or improvement of the proposed subdivision is not consistent with applicable General Plans and Specific Plans.
 - 3. That the site is not physically suitable for the type of development.
 - 4. That the site is not physically suitable for the proposed density of development.
 - 5. That the design of the subdivision or proposed improvement is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - 6. That the design of the subdivision or improvement will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
 - 7. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.
- b. The Planning Board shall transmit a report of its action on a tentative map to the City Council, which shall set a date to hear the report at the next regular meeting of the Council following the filing of the Board's report. The hearing shall be held within thirty (30) days thereafter.
- c. The Planning Board shall transmit a report of its action on a parcel map to the City Council which shall act upon request of the subdivider within a reasonable time after Planning Board action. Approval of a parcel map shall expire unless the map is recorded within six (6) months of final approval.
- d. The Council may overrule or modify any ruling of the Planning Board in regard to the tentative map or parcel map and make such findings as are not inconsistent with the provisions of the Subdivision Map Act or of this article.
- e. The time limits prescribed herein for acting on tentative maps or parcel maps may be extended by the mutual consent of the subdivider and the Planning Board or City Council.
- f. The City Council shall find that a tentative map or parcel map is consistent with the General Plan.
- g. No tentative map shall be approved if either the Planning Board or City Council makes findings pursuant to paragraph a. of this subsection.
- h. The City Council shall determine whether the discharge of waste from the subdivision into the sewer system would violate regional water quality control regulations. In the event that the Council finds that proposed discharge would result in such violation, it may disapprove the map.
- i. Staff reports or recommendations of tentative maps shall be served on the subdivider at least three (3) days prior to a hearing thereon.

- j. At least one (1) public hearing shall be held on the map noticed pursuant to subsection 30-22.4a. and b. of the Alameda Municipal Code.
- k. The subdivider shall provide all notices required by the Subdivision Map Act for condominium projects and similar projects. (Government Code Sections 66427.1, 66451.3, 66452.3 and 66452.8.)

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.; Ord. No. 2051 N.S.; Ord. No. 2200 N.S.)

30-78.6 - Waiver of Parcel Map.

The requirement of a parcel map may be waived by the City Council under subsection (a) or (b) below.

- a. If the City Council finds that the proposed division of land complies with the requirements of this article and State law as to all of the following:
 - 1. Area;
 - 2. Improvement and design;
 - 3. Drainage;
 - 4. Improved public roads;
 - 5. Sanitary facilities;
 - 6. Water supply;
 - 7. Environmental protection; and that
 - 8. No public improvement will be necessary or desirable as to consequence of the proposed division; or
- b. If the proposed division of land was conveyed to or from a governmental agency, the land has existing improvements including functioning sanitary facilities; water supply, ingress and egress, and the proposed division is necessary to implement conveyance of real property interests under the Federal McKinney Act or the Base Closure Community Redevelopment and Homeless Assistance Act of 1994.

(Ord. No. 1835 N.S.; Ord. No. 2842 N.S. § 1)

30-79 - VESTING TENTATIVE MAPS.

30-79.1 - General.

No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the General Plan and any applicable specific plan or not permitted by the zoning regulations or other applicable provisions of the Municipal Code.

(Ord. No. 2434 N.S. § 1)

30-79.2 - Definitions.

- a. As used in this section.

Vesting tentative map shall mean a tentative map for a residential subdivision, as defined in the Alameda Subdivision Regulations, that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Section 2-1 of the California Government Code, and is thereafter processed in accordance with the provision hereof.

- b. All other definitions set forth in the Alameda Subdivision Regulations are applicable.

(Ord. No. 2434 N.S. § 1)

30-79.3 - Applicability.

- a. This section shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the Alameda Subdivision Regulations, requires the filing of a tentative map or tentative parcel map for a residential development, a vesting tentative map may instead be filed, in accordance with the provision hereof.
- b. If a subdivider does not seek the rights conferred by the vesting tentative map statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

(Ord. No. 2434 N.S. § 1)

30-79.4 - Filing Procedure.

- a. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in the Alameda Subdivision Regulations for a tentative map except as hereinafter provided:
 - 1. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."
 - 2. At the time a vesting tentative map is filed a subdivider shall also supply the following information:
 - (a) Height, size and location of buildings;
 - (b) Sewer, water, storm drain and road details;
 - (c) Information on the uses to which the buildings will be put;
 - (d) Detailed grading plans;
 - (e) Geological studies;
 - (f) Flood control information;
 - (g) Architectural plans.
- b. Upon filing a vesting tentative map, the subdivider shall pay the fees required by the subdivision regulations for the filing and processing of a tentative map.

(Ord. No. 2434 N.S. § 1)

30-79.5 - Approval of Map and Vested Rights.

- a. The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by the subdivision regulations for the expiration of the approval or conditional approval of a tentative map.
- b. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinance, policies and standards described in Government Code Sec. 66474.2. However, if Sec. 66474.2 of the Government Code is repealed, the approval or conditional approval of a

vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

- c. Notwithstanding paragraph b. a permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:
 - 1. A failure to do so would place the resident of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 - 2. The condition or denial is required, in order to comply with State or Federal law.
- d. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in paragraph a. above. If the final map is approved, these rights shall last for the following periods of time:
 - 1. An initial time period of one (1) year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
 - 2. The initial time period set forth in subparagraph 1. shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) days, from the date a complete application is filled.
 - 3. A subdivider may apply for a one (1) year extension at any time before the initial time period set forth in subparagraph 1. expires. If the extension is denied, the subdivider may appeal that denial to the City Council within fifteen (15) days.
 - 4. If the subdivider submits a complete application for a building permit during the periods of time specified in subparagraphs 1.3., the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

(Ord. No. 2434 N.S. § 1)

30-79.6 - Development Inconsistent with Zoning Regulations.

- a. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning regulations in existence at that time, that inconsistency shall be noted on the map. The City may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning regulations to eliminate the inconsistency. If the change in the zoning regulations is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding subsection 30-79.5b., confer the vested right to proceed with the development in substantial compliance with the change in the zoning regulations and the map, as approved.
- b. The rights conferred by this subsection shall be for the time periods set forth in subsection 30-79.5d.
- c. Notwithstanding any provision of this section, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in subsections 30-79.5b. and 30-79.5c., and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

(Ord. No. 2434 N.S. § 1)

30-80 - PRELIMINARY SOIL REPORT.

30-80.1 - Report Required.

Prior to the submission of the final map as provided hereinbelow in Section 30-81 or prior to the subdivider's request for City Council consideration of the parcel map as provided in subsection 30-78.5c, the subdivider shall file with the City Engineer a preliminary soil report, prepared by a registered civil engineer, based upon adequate test borings or excavations for every division of land. The City Engineer may waive such soil report if he shall determine that, due to his knowledge or the knowledge of his department of the soil qualities of the land, no preliminary analysis is required.

(Ord. No. 1728 N.S.)

30-80.2 - Soil Investigation.

If the preliminary soil report indicates the presence of critically expansive soils or other soil problems, which if not corrected, would lead to defects in structures erected thereon, a soil investigation of each lot shall be prepared by a registered civil engineer. The investigation shall recommend corrective action which is likely to prevent structural damage to each dwelling proposed to be constructed on the expansive soil. The report shall be filed with the City Engineer.

(Ord. No. 1728 N.S.)

30-80.3 - Approval of Soil Investigation.

The City Engineer shall approve the soil investigation if in his judgment he determines that the recommended corrective action is likely to prevent structural damage to each dwelling to be constructed on each lot. Any subdivider aggrieved by the City Engineer's determination may appeal therefrom to the Board of Appeals provided for in the Alameda Building Code, and the decision of the Board shall be final. Any building permit issued for any dwelling proposed to be built on the lot shall be conditioned upon the incorporation of the approved recommended corrective action in the construction of such dwelling.

(Ord. No. 1728 N.S.)

30-81 - FINAL MAP.

30-81.1 - Filing Procedure.

- a. Within twenty-four (24) months after approval, or conditional approval of the tentative map by the City Council, the subdivider may cause the subdivision, or any part thereof, to be surveyed and a final map to be prepared in accordance with the tentative map as approved. Original tracings and twelve (12) prints of the final map shall be filed with the City Engineer.

An extension of time, not to exceed an additional twelve (12) months, for filing of the final map may be granted by the City Council providing written application is made by the subdivider prior to the expiration of the approved or conditionally approved tentative map. Extensions of time shall not exceed one (1) year in the aggregate. In the case of a reversion to acreage, no survey need be made unless deemed necessary by the City Engineer.

- b. At the time of filing of the final map with the City Engineer, the subdivider shall also file therewith the following:
 1. An instrument conveying all easements required by public purposes and specifying limitations to the uses thereof.

2. The instrument prohibiting traffic over the side line or end of a freeway, parking or street, when and if the same is r
 3. Calculation and traverse sheets used in computing the distances, angles and courses shown on the final map, and ties to existing and proposed monuments.
 4. Complete plan, profile and detailed drawings of the improvements drawn to a scale of one inch equals forty-nine (1" = 49') feet as designated by the City Engineer.
 5. Specifications for required improvements as designated by the City Engineer.
 6. A written request for the City Council to consider approval of the final map.
- c. Checkprints of the final map shall be submitted and approved through the office of the City Engineer prior to acceptance of the map for signature by the City Engineer.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.; Ord. No. 2200 N.S.)

30-81.2 - Survey Control.

- a. The survey of a final map or parcel map shall be tied into and completed in the system of coordinates as established by the City Engineer. All adjoining properties shall be identified by lot, block and tract designation, and/or property owners.
- b. Sufficient data must be shown to fully describe every curve, lot, block and boundary line. No ditto marks shall be used. Lots containing one (1) acre or more shall show net acreage to nearest one-hundredth (1/100).

(Ord. No. 1728 N.S.)

30-81.3 - Monuments.

- a. Whenever the City Engineer has established the monument line of a street or alley, adjacent to or in the proposed division of land, such date shall be shown on the final map or parcel map, indicating all monuments found and reference to a map. If the points were reset by tires, the fact shall be stated.
- b. The map shall show the location and description of all monuments found in making the survey for the subdivision map or parcel map, and shall include bearings and distances of straight lines and radii and arc length for all curves, and such information as may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish the subdivision boundaries.
- c. Monuments shall be installed at street intersections, between street intersection, where necessary to preserve the street alignment and the angle points along the exterior boundaries where necessary.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

30-81.4 - Final Map and Parcel Map Requirements.

In addition, the final map or parcel map shall be prepared in full compliance with the following requirements:

- a. The map shall show the line of high water in case the area includes or is adjacent to areas subject to periodic inundation by floor or tidal waters.
- b. The boundary of the tract shall be designated by a distinctive symbol as specified by the Subdivision Map Act and as required by the Alameda County Recorder's office.
- c. Streets and Other Rights-of-way. The map shall show the monument and side lines of all streets, the total width of all streets, the width of the portion being dedicated and the width of existing dedication, and the widths each side of the monument line, also the width of railroad rights-of-way, appearing on the map.

- d. The map shall show the side lines of all easements to which any lots are subject. Easements for storm drains, sewer and other purposes shall be clearly denoted.
- e. City boundary lines crossing or abutting the subdivision shall be clearly designated and referenced.
- f. The map of a condominium shall show surface units.
- g. The final map shall particularly define, delineate and designate all lots or parcels intended for private purposes; all parcels offered for dedication for any purpose, public or private; and any private streets permitted under the provisions of this article, with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels offered for dedication, but not accepted shall be so designated.
- h. The map shall show all other data that is or may be required bylaw.
- i. As required by the City Engineer, additional information, not affecting record title interest, in the form of additional map sheets, shall be recorded simultaneously with the final or parcel map in accordance with the provisions of Section 66434.2 of the Subdivision Map Act. These additional map sheets shall indicate their relationship to the final or parcel map, and shall contain a statement that the additional information is for information purposes, describing conditions as of the date of filing, and are not intended to affect record title interest.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.; Ord. No. 2374 N.S.)

30-81.5 - Covenants of Restrictions.

Two (2) copies of revised covenants of restrictions shall be filed with the final map or parcel map.

(Ord. No. 1728 N.S.)

30-81.6 - Final Map Certificates.

The following certificates and acknowledgements and all others now or hereafter required by law shall appear on the final map:

- a. *Owner's Certificate.* A certificate signed and acknowledged by all parties having any record title interest in the land subdivided consenting to the preparation and recordation of the map unless exempted by the Map Act. This certificate shall include any offers of dedication of land shown on the final map and intended for public purposes. This certificate may also include required easements intended for private purposes.
- b. *Engineer's (Surveyor's) Certificate.* A certificate by the engineer or licensed surveyor responsible for the survey and final map. The signature of such engineer or surveyor, unless accompanied by his seal, must be attested. The certificate shall give the date of the survey and state that the survey and final map were made by him or under his direction and that the survey is true and complete as shown; that the monuments are of the character and occupy the positions indicated, or that they will be set in such positions at such time as agreed upon, and that the monuments are or will be sufficient to enable the survey to be retraced.
- c. *City Engineer's Certificate.* A certificate by the City Engineer stating that he has examined the final map and that it is in substantial conformity with the approved tentative map and any approved alterations thereof, that the map complies with the Map Act and this article, and is technically correct.
- d. *City Clerk's Certificate.* A certificate for execution by the City Clerk stating that the City Council approved the final map and accepted or rejected the offers of dedication.
- e. All other affidavits, certificates, acknowledgments, endorsements, and notarial seals as are required by law and this article.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

30-81.7 - Parcel Map Certificates.

The following certificates and acknowledgements and all others now or hereafter required by law shall appear on the parcel map:

- a. *Owner Certificate.* A certificate signed and acknowledged by all parties having any record title interest in the land subdivided consenting to the preparation and recordation of the map. This certificate may include any offers of dedication of land intended for public purposes. This certificate may also include provisions for required easements intended for private purposes.
- b. *Surveyor's (Engineer's) Certificate.* A certificate by a registered civil engineer or licensed surveyor responsible for the survey and parcel map. The certificate shall be in the form specified by the Map Act, Section 66449(a).
- c. *City Engineer's Certificate.* A certificate by the City Engineer as specified by the Map Act, Section 66450.
- d. *Recorder's Certificate.* A certificate by the County Recorder as specified by the Map Act, Section 66449(b).
- e. All other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law and this article.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

30-81.8 - Action on Final Map.

- a. *Approval by City Engineer.* Upon receipt of the final map and other data submitted therewith, the City Engineer shall examine them to determine that the subdivision as shown is substantially the same as it appears on the approved tentative map, and any approved alterations thereof, that all provisions of this article and of any ordinance applicable at the time of approval of the tentative map have been complied with, and that he is satisfied that the map is technically correct. If the map is found to be technically correct and in conformance with regulations and with the approved tentative map, the City Engineer shall certify the map and transmit it to the City Clerk.
- b. *Approval by City Council.* At the meeting at which it receives the map or, at its next regular meeting thereafter, the City Council shall consider the map and any offers of dedication. If the Council shall determine that the map is in conformity with the approved tentative map, the requirements of this article and the General Plan and has not made findings pursuant to Section 66474 of the Map Act, it shall approve the Map. When the subdivider shall have filed with the City Clerk the agreement and bond, or have made the deposit described in subsection 30-85.3 hereof, such agreement and bond may be approved by the Council as to form and as to sufficiency. No map shall have any force or effect until it has been approved by the City Council, and no title to any property described in any offer of dedication shall pass until the map has been recorded in the office of the County Recorder.
- c. Receives the map, as used in paragraph b. hereof, shall mean the first succeeding regular meeting of the City Council at which such map, offers, and any necessary documents in connection with consideration of the map, may duly appear upon the Council's regular agenda for such meeting.
- d. Disapproval for failure to meet or perform the requirements or conditions of this article applicable to the subdivision at the time of the approval of the tentative map shall be accompanied by a finding identifying the requirements or conditions which have not been met or performed.
- e. A final map for a subdivision created from the conversion of residential property to condominiums shall not be approved unless the City Council finds that each tenant has been given one hundred twenty (120) days' notice as required by subsection 30-8.6a of this chapter and has also been notified of the right to acquire the unit as required

by subsection 30-8.6b of this chapter.

- f. Condominium projects and similar projects shall be approved only upon the findings required by Section 66427.1 of the California Government Code.

(Ord. No. 1728 N.S.; Ord. No. 1850 N.S.; Ord. No. 2051 N.S.)

30-82 - LOT ADJUSTMENT MAP.

- a. A lot line adjustment between four (4) or fewer adjoining parcels, where land taken from one (1) parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, may be approved by both the City Engineer and Planning Director.
 1. The adjustment is for the creation of a new property line and/or to facilitate the transfer of land from one (1) lot to adjoining lots, including the merger of two (2) or more lots into one (1) lot.
 2. The portion of the lot remaining after the creation of the new parcel shall meet all the requirements for a lot (area, width, etc.) as set forth in the City zoning regulations.
 3. No street improvements or other subdivision improvements are required.
- b. The lot line adjustment application shall include the following:
 1. Legal descriptions and a plat map of the parcels prior to and after the adjustment,
 2. An exhibit showing all existing structures and easements in relation to the existing and proposed lot lines,
 3. Title report(s), and
 4. Any additional information necessary to review the application, as determined by the City Engineer or Planning Director.
- c. The legal description and plat map shall be prepared by a licensed land surveyor.
- d. The original drawings or reproducible copies of deed record drawings shall be kept in the City Engineer's files.
- e. The deed describing the transfer shall be recorded with the County Recorder.
- f. A fee shall be paid at the time of application of a lot line adjustment map. The fee shall be set by City Council Resolution.

(Ord. No. 1728 N.S.; Ord. No. 1850 N.S.; Ord. No. 2374 N.S.; Ord. No. 2378 N.S.; Ord. No. 2579 N.S. § 5)

(Ord. No. 3255 N.S., § 8, 11-19-2019)

30-83 - REVERSION TO ACREAGE.

- a. Reversions shall be processed pursuant to Article 1, Chapter 6 of the Map Act.
- b. Maps filed for the purpose of reverting subdivided land to acreage shall be conspicuously designated with the title "The Purpose of this Map is a REVERSION TO ACREAGE."

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

30-84 - DESIGN STANDARDS.

30-84.1 - General Regulations of Street Design and Improvement.

- a. *Streets and Highways.* The street and highway design shall conform both in width and alignment to any General Plan

of streets and highways approved by the City Council and rights-of-way for any streets and highways indicated shall be dedicated. The street and highway design shall conform to any proceedings affecting the division of land which may have been initiated or approved, by the City Council, or approved by the Council upon initiation by other legally constituted bodies of the City, County or State.

- b. *Alignment of Streets and Highways.* All streets shall, so far as practicable, be in alignment with existing adjacent streets by continuations of the center lines thereof or by adjustments by curves.
- c. *Intersections.* Street center lines shall be required to intersect one another at an angle as near to the right angle as is practicable by tangents not less than one hundred (100') feet in length.
- d. *Extensions, Cul-De-Sacs.* Where necessary to give access to, or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the land being divided and the resulting dead-end or cul-de-sac streets may be approved without a turn-around. In all cases, unless specifically excepted, a turn-around having a minimum curb to curb diameter of sixty-six (66') feet shall be required. No cul-de-sac street shall exceed six hundred (600') feet in length.
- e. *Intersection Corner Rounding.* Whenever a major street or State highway intersects any other street or highway, the property lines at each block corner shall be rounded with a curve having a radius of not less than twenty (20') feet. A greater curve radius may be required if streets intersect at other than right angles.
- f. *Curve Radii.* The center line curve radii on all streets and highways shall conform to accepted engineering standards of design and shall be subject to approval by the City Engineer.
- g. *Grades of Streets and Highways.* No major or secondary street shall have a grade of more than three (3%) percent. No other street shall have a grade of more than five (5%) percent, unless, because of topographical conditions or other exceptional conditions, the City Council determines that a steeper grade is necessary. No street or highway shall have a grade of less than one-tenth of one (.1%) percent.
- h. *Reserved Strips.* Reserved strips controlling the access to public ways shall be deeded unconditionally to the City of Alameda.
- i. *Widths.* Streets and highways shall not be of lesser widths than those set forth hereunder:
 - 1. Major street or highway: Right-of-way eighty-eight (88') feet; curb to curb sixty-four (64') feet.
 - 2. Secondary street or highway: Right-of-way sixty-four (64') feet;
 - 3. Residential street: Right-of-way sixty (60') feet; curb to curb forty (40') feet.
 - 4. Cul-de-sac street less than three hundred fifty (350') feet in length. Right-of-way fifty-two feet; curb to curb thirty-six (36') feet. Three hundred fifty (350') to six hundred (600') feet in length: right-of-way sixty (60') feet; curb to curb thirty-six (36') feet.
 - 5. Service Roads. As specified in each particular case, by Planning Board.
 - 6. Private Ways. As specified in each particular case, by Planning Board.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

30-84.2 - Service Roads and Off-Street Parking.

When lots proposed for commercial or industrial uses front on any major or secondary street or highway, the subdivider may be required to dedicate and improve a service road to provide ingress and egress to and from such lots, or in lieu thereof; if approved by the Planning Board, the subdivider may dedicate for public use and improve an area adjacent to such lots for off-street parking purposes.

When any lots proposed for residential use front on a freeway, State highway or parkway, the subdivider may be required to dedicate and improve a service road at the front of such lots. In addition to any requirements for a service road, the Planning Board may require adequate off-street parking areas for all lots proposed for commercial or industrial use.

(Ord. No. 1728 N.S.)

30-84.3 - Non-Access and Planting Strips.

When conditions require that the rear or side lines of any lots border a major highway or parkway, the subdivider may be required to execute and deliver to the City, an instrument which allows the City to prohibit the right of ingress and egress to such lots, across the sidelines of such highway or parkway. When the rear or sidelines of any lots border any freeway, State highway or parkway, the subdivider may be required to dedicate, fence, and improve a planting strip adjacent thereto with approved landscaping; provided, however, no such dedication, improvement or fencing shall be required when the abutting freeway, state highway or parkway, has been independently fenced and improved.

(Ord. No. 1728 N.S.)

30-84.4 - Alleys.

When lots are proposed for commercial or industrial uses, alleys at least twenty-four (24') feet in width may be required at the rear thereof with adequate ingress and egress for truck traffic, and improved to City standards.

(Ord. No. 1728 N.S.)

30-84.5 - Street Names.

All street names must be approved by the Planning Board. No duplication of street names shall be permitted.

(Ord. No. 1728 N.S.)

30-84.6 - Easements.

The subdivider may be required by the Planning Board to grant easements not less than six (6') feet in width along each side of a rear lot line, and not less than five (5') feet in width along each side of side lot lines for public utility, sanitary sewer and drainage purposes, provided easements of lesser width may be allowed when approved by the City Engineer. after conferring with affected public utility systems. All power installations shall be subject to rules and regulations promulgated by the Bureau of Electricity.

(Ord. No. 1728 N.S.)

30-84.7 - Underground Utility Facilities.

- a. All electric, telephone, cable communications and all other utility facilities within the boundaries of the proposed subdivision or division of land shall be placed, installed and maintained underground except:
 1. Transformers, terminal cabinets, sectionalizing device cabinets, meter cabinets, pedestals, concealed ducts and other facilities necessarily appurtenant to such utilities;
 2. Poles or posts which support street lighting systems, fire alarm devices or traffic control signal apparatus;
 3. Power transmission lines having a capacity in excess of two thousand (2,000 kva) kilovolt amperes;
 4. Express sections of power or communication lines which pass through a division of land in which utilities are

installed underground to reach a location where utilities are installed aboveground, if the written consent of the Bureau of Electricity thereto be filed with the Planning Board.

- b. The subdivider shall be responsible for compliance with this section and shall make the necessary cost and other arrangements with each public utility, including the Bureau of Electricity, for such underground installation in conformance with such utility's approved rules and regulations. Evidence of such arrangements shall be supplied to the City Engineer by the subdivider before the final map is submitted to the Council.

(Ord. No. 1728 N.S.)

30-84.8 - Lots.

- a. Sizes and shapes of lots shall conform to any zoning regulations or zoning approvals applicable to the proposed subdivision.
- b. Where no width requirements for lots are established by the zoning regulations, no interior lot shall be less than fifty (50') feet in width and no corner lot shall be less than sixty (60') feet in width.
- c. *Side Lines*. The side lines of all lots insofar as possible, shall be at right angles to street or radial or approximately radial to curved streets and to the center points of cul-de-sac turning circles.
- d. *Divided Lots*. No lot shall be divided by a City boundary line.
- e. *Interior Lots*. Interior lots having double frontage will not be approved.

(Ord. No. 1728 N.S.)

30-84.9 - Walkways.

The subdivider may be required to dedicate and improve paved, landscaped and fenced walkways not less than twelve (12') feet wide through blocks in excess of six hundred (600') feet in length; or to provide access to schools, parks or other public areas by paved, landscaped and fenced walkways not less than twenty (20') feet in width.

(Ord. No. 1728 N.S.)

30-84.10 - Water Areas.

- a. Water areas within the proposed subdivided area shall be reviewed by the Planning Board as to proper design and improvement, form and dimensions, and relationship to street and lot design and proposed and existing land uses in the proposed subdivided area and adjoining areas.
- b. Improvement plans for water areas shall include the following, which shall be subject to Health Department and Engineering Department approval;
 - 1. Scale plan of water areas, indicating proposed depths of water; normal water levels; slopes and types of bank retention; types, locations, dimensions, and grades of water conduits.
 - 2. Data as to storm drainage area and runoff volumes under normal and extreme conditions, water area capacity for storm drainage storage, details of water level controls and pumping, methods of flushing and filling said water areas.
 - 3. Data as to water quality, methods of controlling insects, water growth and vegetation.
 - 4. Proposed method of maintenance and operation of water areas, including control points and other features and methods of access.
 - 5. Proposed restrictions and covenants governing the use of such water areas.

6. Proposed easements of rights-of-way to be dedicated for storm drainage or other public purposes.

(Ord. No. 1728 N.S.)

30-84.11 - Public Access to Water.

- a. No tentative map or final map shall be approved for any subdivision fronting on the shoreline which does not provide or have available public access by fee or easement from public highways to land below the ordinary high water mark on any bay shoreline within the subdivision unless the City Council finds that reasonable public access is otherwise available within a reasonable distance. Such a finding shall be set forth on the face of the tentative and final maps. Reasonable shall be determined according to the standards set out by Section 66478.11 of the Map Act.
- b. Public access routes provided by the subdivider shall be expressly designated on the tentative and final map along with the name of the agency to which they are dedicated.
- c. The governing body must accept such dedication within three (3) years of the approval of the final map or same shall be deemed abandoned.
- d. In determining the reasonableness of public access reference is hereby made to the provisions of the Map Act.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

30-84.12 - Erosion Control.

Drainage across interior property lines will not be permitted except in special circumstances approved by the City Engineer after establishment of approved easements. Construction grading and erosion control shall be conducted in such a manner as to prevent sedimentation or other damage to off-site property. Drainage, sedimentation and erosion control measures shall be shown on the subdivider's improvement plans.

(Ord. No. 1728 N.S.)

30-85 - IMPROVEMENTS.

30-85.1 - Installation.

- a. The subdivider shall install at his own expense, or cause to be installed, and dedicate if applicable, the following improvements within the proposed division of land in accordance with the recommendation of the Planning Board or the Standard Subdivision Improvement Specifications of the City of Alameda:
 1. Land grading and improvement.
 2. Street, alley and walkway grading and paving.
 3. Curbs, gutters, sidewalks, monuments and landscaping.
 4. Fencing barriers, header boards and warning devices.
 5. Sanitary sewers, storm drains and appurtenances.
 6. Street lighting systems.
 7. Fire hydrants and fire alarm system.
 8. All public utility systems.
 9. Street and walkway tree planting and landscaping.
 10. Bulkheads, seawalls, retaining walls or other methods of land retention.

11. Traffic signals, traffic control, regulatory, warning and guide devices.

12. Where the application contains two hundred (200) or more parcels or units, such bicycle paths as the Planning Board finds necessary.

b. The Planning Board may recommend additional improvements which it deems necessary, or may recommend deletion of any of the above set out items, which are obviously not applicable, in an%, particular division of land.

c. The City Council may require such off-site improvements as are necessary for local needs.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.; Ord. No. 1850 N.S.)

30-85.2 - Requirements and Bonds.

a. All required improvements shall be installed by the subdivider in accordance with the Standard Subdivision Improvement Specifications of the City of Alameda established by the City Engineer and on file in his office and shall be subject to inspection by the City Engineer, and approval by the City Council.

b. If the subdivider elects to continue with the project after receiving approval of the tentative map or the parcel map from the Planning Board, complete plans, profiles and specifications of the improvements shall be drafted by the engineer employed by the subdivider and completed to the satisfaction of the City Engineer.

The original tracings of the improvement plan drawings drawn on twenty-two by thirty (22" x 30") inch sheets and as modified and certified by the subdivider's engineer to "as built" improvement construction plans, which substantially represent actual conditions at the time of the acceptance of the improvements by the City Council, shall become the property of the City and shall be filed with the City Engineer.

c. All reasonable office and engineering costs expended by the City Engineer's office, including overhead, in connection with checking the improvement plans and specifications and final map or parcel map and doing work associated with the construction and inspection of improvements, shall be paid for by the subdivider, who shall be billed monthly for the services and expenses, and shall pay all the expenses before the City Engineer will affix his signature to the certificate on the final map or parcel map; provided, however, that the subdivider shall deliver to the City Engineer an approved reasonable time schedule relating to the time of construction of the improvements; should the time schedule be adhered to by the subdivider, then, and in that event, the office and inspection costs for the improvement portion of the work only, shall not exceed ten (10%) percent of the actual cost of the improvements as attested by a certification of the subdivider as to the actual cost of improvements. In the event the subdivider does not pay the monthly bills within a reasonable time, the City Engineer shall have the right to refuse further service to the subdivider until such time as the matter is adjusted to the satisfaction of the City Council. During such period no work shall be performed by the subdivider after receiving notice from the City Engineer.

(Ord. No. 1728 N.S.)

30-85.3 - Agreement and Bond for Improvements.

a. Before approval by the City Council of the final map or parcel map, the subdivider shall execute and file an agreement between himself and the City specifying the period within which he shall complete all improvement work in accordance with the approved tentative map or parcel map, the Standard Subdivision Improvement Specifications, and to the satisfaction of the City Engineer and providing that if he shall fail to complete such work within the specified period the City may complete the work and recover all costs and expenses thereof from the subdivider or his successors in interest. The agreement shall also provide for checking the improvement plans, the inspection of all improvements by the City Engineer and reimbursement of the City for the cost of such checking and inspection, and

delivery to the City Engineer original drawings of "as built" improvement plans and polyester base film reproductions of the recorded maps. The agreement may also provide: (1) for the construction of the improvements in units, (2) for an extension of time under conditions therein specified, (3) for the termination of the agreement upon the completion of proceedings under an assessment district act for the construction of improvements deemed by the City Engineer to be at least the equivalent of the improvements specified in said agreement and required to be constructed by the subdivider, and (4) for progress payments to the subdivider from any deposit money which the subdivider may have filed in lieu of a surety bond, as provided by the next succeeding subsection.

- b. The subdivider shall also file with the agreement such good and sufficient improvement security as the City Council deems sufficient in the form of cash deposits, bonds of duly authorized corporate securities or acceptable instruments of credit. The improvement security shall be not less than fifty (50%) percent nor more than one hundred (100%) percent of the total estimated cost of the improvement, conditioned upon the faithful performance of the agreement, an additional amount within the same limitations securing labor and materials, and an amount necessary to guarantee and warranty the work for a period of one (1) year following the completion and acceptance thereof against defective work, labor or materials. Bonds shall also be approved by the City Attorney as to form.
- c. In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this ordinance and the City shall have completed same, or if the subdivider shall fail to reimburse the City for the cost of inspection, the City shall call on the surety for reimbursement, or shall appropriate from any cash deposits funds for reimbursement.
- d. Improvement security may be released or reduced in whole or in part as to faithful performance upon certification by the City Engineer of final completion and acceptance of the work or portions thereof or upon acceptance of work as it progresses under rules established by the City Council and as to labor and materials, six (6) months after completion and acceptance of actions, may be reduced after six (6) months to an amount not less than the total claims on which the action has been filed. The guarantee and warranty against defective work, labor or materials furnished shall not expire for one (1) year after completion and acceptance of the improvements.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.)

30-86 - DEDICATIONS.

30-86.1 - Dedication for Transit Facilities.

- a. The City Council may require dedication or irrevocable offer of dedication of land within the subdivision for local transit facilities such as bus turnouts, benches, shelters and similar items which directly benefit the residents of the subdivision if either, the tentative map shows the potential for two hundred (200) dwellings or more if developed to the maximum density or the subdivision contains one hundred (100) acres, and the Council finds that transit services are or will within a reasonable time period be made available to such subdivision.
- b. Such irrevocable offers may be terminated as provided in the Map Act.

(Ord. No. 1783 N.S.)

30-87 - MISCELLANEOUS PROVISIONS.

30-87.1 - Exceptions.

- a. The Planning Board may recommend that the City Council authorize conditional exceptions to any of the requirements regulations set forth in this article unless the requirement or regulation would otherwise require a zoning variance or a zoning approval. Application for any such exception shall be made by a petition of the subdivider, stating fully the grounds for the application and the facts relied upon by the petitioner. Such petition shall be submitted to the Planning Board with a tentative map or the parcel map. In order for the property referred to in the petition to come within the provisions of this subsection, it shall be necessary that the Planning Board find the following facts with respect thereto:
 1. That there are special circumstances or conditions affecting the property.
 2. That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
 3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.
- b. In recommending such exceptions, the Planning Board shall secure substantially the objectives of the regulations to which exceptions are requested, and shall act to protect the public health, safety, convenience and general welfare.
- c. In recommending the authorization of any exception under the provisions of this subsection, the Planning Board shall report to the City Council its findings with respect thereto and all facts in connection therewith and shall specifically and fully set forth the exception recommended and the conditions designated.
- d. Upon receipt of the report, the City Council may approve the tentative map or parcel map with the exceptions and conditions the City Council deems necessary to substantially secure the objectives of this article.

(Ord. No. 1728 N.S.)

30-87.2 - Waiver of Technical Error.

A map which fails to satisfy the provisions of this article as the result of technical and inadvertent error may be approved if the Advisory Agency or City Council determines that the error does not materially affect the conformity of the map to this article.

(Ord. No. 1850 N.S.)

30-87.3 - Permit Restrictions.

- a. No permit or any other approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this article or the Map Act shall be issued or granted, except as provided in paragraph b., if the Planning Board finds that development of the real property is contrary to the public health or safety.
- b. The official responsible for issuing the permit or granting the approval (paragraph a.) may issue the permit or grant the approval where no possible health or safety problem is involved. In all other cases the official shall forward the matter to the Planning Director who shall set a hearing before the Planning Board.
- c. The Planning Board may attach such conditions to permits or approvals for the development of the real property as would have been applicable to the division of the property at the time the current owner of record acquired the property.
- d. A certificate of compliance shall be filed where permits or approvals have been granted pursuant hereto.
- e. The provisions of this subsection shall not alter any other requirements imposed by law and proceedings hereunder may be combined with other proceedings required for the development of the property.

(Ord. No. 1728 N.S.)

30-87.4 - Appeal.

- a. Any interested person adversely affected may appeal to the City Council from any decision, determination or requirement of the Planning Board or City Engineer by filing a notice thereof in writing with the Clerk within ten (10) calendar days after such decision. The notice shall set forth in detail the action and grounds upon which the appellant deems himself aggrieved.
- b. The City Clerk shall report the filing of such notice to the Planning Board and the City Engineer. A written report shall be submitted to the City Council by the agency or person whose decision, determination, or requirement is being appealed.
- c. The City Council within thirty (30) days of the filing of such an appeal, shall hold a public hearing on the appeal, and any such hearing may, for good cause, be continued by consent of the City Council and the subdivider. Following the hearings, within seven (7) days, the City Council shall declare its findings and affirm or modify the decision, determination or requirement appealed from and enter any such order or orders as are in harmony with the spirit and purpose of this article and the law regarding subdivisions.

(Ord. No. 1728 N.S.; Ord. No. 1783 N.S.; Ord. No. 2077 N.S.)

30-88 - VIOLATIONS AND PENALTIES.

30-88.1 - Notice of Violation and Certificate of Compliance.

- a. Whenever the City Engineer or Building Official has knowledge that real property has been divided in violation of the provisions of this article or the Map Act, the official shall file with the County Recorder the notice prescribed by the Map Act.
- b. Upon request of the owner of real property for a determination of compliance with the provisions of this article and the Map Act, the City Engineer shall make such determination and file such certificates of compliance as are required by the Map Act. Where the Map Act authorizes conditional approval of certificates of compliance, the matter shall be referred to the Planning Board pursuant to subsection 30-15.3.

(Ord. No. 1728 N.S.)

30-88.2 - Penalties.

Any person who willfully violates any of the provisions or fails to comply with any of the mandatory requirements of this article is guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not to exceed five hundred (\$500.00) dollars or by imprisonment in the City and/or County Jail for not to exceed six (6) months or by both fine and imprisonment, except that nothing herein contained shall be deemed to bar any legal equitable or summary remedy to which the City of Alameda or other political subdivision, or any person may otherwise be entitled, and the City of Alameda or any other political subdivision or person may file a suit in the Superior Court of the County of Alameda to restrain or enjoin any attempted or proposed subdivision or sale in violation of this article.

(Ord. No. 1728 N.S.)

ARTICLE VII. - DEVELOPMENT AGREEMENTS

30-91 - GENERAL.

30-91.1 - Authority.

This article is enacted pursuant to Article 2.5 of Chapter 4 of Division 1 of Title 7 of the California Government Code, Section 65864 et seq. This article is adopted to supplement existing provisions of the Alameda Municipal Code.

(Ord. No. 2189 N.S.)

30-91.2 - Purpose.

The purpose of this article is to strengthen the public planning process, encourage private participation and comprehensive planning, and reduce the economic costs of development by providing an option to both the City and developers to enter into development agreements.

To accomplish this purpose the procedures, requirements and other provisions of this article are determined to be necessary to promote orderly growth and development, the economic welfare, and to ensure provision for adequate circulation, utilities and services.

(Ord. No. 2189 N.S.)

30-91.3 - Applicability.

The procedures and requirements set forth in this article shall apply to all development agreements proposed by developers and entered into by the City Council.

(Ord. No. 2189 N.S.)

30-92 - PROCEDURE FOR REVIEW.

30-92.1 - Forms, Information and Fees.

- a. The City shall prescribe the form for each application, notice and documents provided for or required under these regulations for the preparation and implementation of development agreements.
- b. The City may require an applicant to submit such information and supporting data as the Planning Director considers necessary to process the application.

(Ord. No. 2189 N.S.)

30-92.2 - Review of Application.

The Planning Director shall review the application and may reject it if it is incomplete or inaccurate for processing. The application shall be accepted for filing when the City Manager approves a proposed development agreement and the Planning Director determines that the agreement, as proposed or in an amended form, would be consistent with the General Plan and other regulations prescribed for the use of land.

(Ord. No. 2189 N.S.)

30-92.3 - Notice.

- a. The time and manner of giving notice shall be as prescribed in the Government Code for amendments to the zoning regulations.
- b. The notice of intention to consider adoption of the development agreement shall contain:
 1. The time and place of the hearing.
 2. A general explanation of the matter to be considered, including a general description of the area to be affected; and
 3. Other information required by law or which the Planning Director considers necessary or desirable.
- c. The failure of any person entitled to notice to receive such notice does not affect the authority of the City to enter into a development agreement.

(Ord. No. 2189 N.S.)

30-92.4 - Public Hearings, Generally.

- a. The public hearing shall be conducted as nearly as may be in accordance with the procedural standards prescribed in the Government Code for the conduct of zoning hearings. Each person interested in the matter shall be given an opportunity to be heard. The applicant has the burden of proof at the public hearing on the proposed development agreement.
- b. No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by the Court by reason of any error, irregularity, informality, neglect or omission ("error") as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation, or any matters of procedure whatever unless after an examination of the entire case, including the evidence, the Court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is not a presumption that error is prejudicial or that injury was done if error is shown.

(Ord. No. 2189 N.S.)

30-92.5 - Review by Planning Board.

The Planning Board shall hold a public hearing on the application and shall make its recommendation and reasons therefor in writing to the City Council. The recommendation shall include the Planning Board's determination whether or not the development agreement proposed:

- a. Is consistent with the objectives, policies, general land uses and programs specified in the general plan; and
- b. Is compatible with the uses authorized in, and the other regulations prescribed for, the use of land.

(Ord. No. 2189 N.S.)

30-93 - DEVELOPMENT AGREEMENTS.

30-93.1 - Contents.

Development agreements shall specify:

- a. The duration of the agreement;
- b. The permitted uses of the property;

- c. Density or intensity of use;
- d. Maximum height and size of buildings; and
- e. Provisions for reservation or dedication of land for public use.

(Ord. No. 2189 N.S.)

30-93.2 - Additional Provisions.

Development agreements may include:

- a. Conditions, terms, restrictions and requirements for subsequent discretionary approvals consistent with the agreement.
- b. Start up and completion dates;
- c. Fees for the cost of processing the application;
- d. Reimbursement to the City for the costs of City services provided by the City and required by the development for the term of the agreement; and
- e. Any other matters that the City determines are necessary.

(Ord. No. 2189 N.S.)

30-93.3 - Subsequent Approvals.

Development agreements may be considered on the applicant obtaining, subsequent to their execution, required land use approvals.

(Ord. No. 2189 N.S.)

30-94 - ACTIONS ON APPLICATIONS.

30-94.1 - Decision by City Council.

- a. The City Council shall hold a public hearing, after which it may accept, modify or disapprove the recommendation of the Planning Board.
- b. The City Council may not approve the development agreement unless it finds that the provisions of the agreement are consistent with the General Plan and other regulations prescribed for the use of land.

(Ord. No. 2189 N.S.)

30-94.2 - Approval of Development Agreement.

If the City Council approves the development agreement, it shall do so by the adoption of an ordinance. The agreement takes effect upon the effective date of the ordinance.

(Ord. No. 2189 N.S.)

30-94.3 - Amendment or Cancellation.

- a. Either party may propose an amendment to or cancellation in whole or in part of the development agreement previously entered into.

- b. The procedure for proposing and adopting an amendment to or cancellation in whole or in part of the development agreement is the same as the procedure for entering into an agreement.
- c. Where the City initiates the proposed amendment to or cancellation in whole or in part of the development agreement, it shall first give notice to the applicant of its intention to initiate proceedings at least ten (10) days in advance of the giving of notice of intention to consider the amendment or cancellation required by subsection 30-93.3. Where the applicant initiates the change, City shall give notice of that pursuant to subsection 30-93.3.

(Ord. No. 2189 N.S.)

30-94.4 - Recordation.

- a. Within ten (10) days after the City enters into the development agreement, the City Clerk shall have the agreement recorded with the County Recorder.
- b. If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in Government Code Section 6585.1 for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City Clerk shall have notice of such action recorded with the County Recorder.

(Ord. No. 2189 N.S.)

30-95 - ENFORCEMENT.

30-95.1 - Periodic Review.

- a. The development agreement shall be reviewed every twelve (12) months from the date the agreement is entered into. It is the applicant's responsibility to apply in a timely fashion for the annual review.
- b. The Planning Director or his designee shall give notice to the applicant that the City intends to undertake the review of the development agreement. The notice shall be given at least ten (10) days in advance of the time at which the matter will be considered by the Planning Board.
- c. The Planning Board shall conduct a public hearing at which the applicant must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the applicant.
- d. If the Planning Board finds that the applicant has complied in good faith with the terms and conditions of the agreement the review for that period is concluded.
- e. If the Planning Board finds and determines on the basis of substantial evidence that the applicant has not complied in good faith with the terms and conditions of the agreement during the period under review, the Planning Board shall forward its recommendations to the City Council and the Council may modify or terminate the agreement.

(Ord. No. 2189 N.S.)

30-95.2 - Modification or Termination.

- a. Notice of intention to modify or terminate the agreement shall be delivered to the applicant by certified mail containing:
 - 1. The time and place of the hearing;
 - 2. A statement as to whether the City proposes to terminate or to modify the development agreement;
 - 3. Other information which the City considers necessary to inform the applicant of the nature of the proceedings.
- b. At the time and place set for the hearing on modification or termination, the applicant shall be given an opportunity

to be heard. The City Council may impose those conditions to the action it takes as it considers necessary to protect the interests of the City. The decision of the City Council is final.

(Ord. No. 2189 N.S.)

30-96, 30-97 - RESERVED.

ARTICLE VIII. - PUBLIC ART IN NEW COMMERCIAL, INDUSTRIAL, RESIDENTIAL AND MUNICIPAL CONSTRUCTION

Footnotes:

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Editor's note— Ord. No. 3199 N.S., § 1, adopted November 7, 2017, amended 30-65 in its entirety to renumbered it 30-98. Former 30-65, pertained to public art in new commercial, industrial, residential and municipal construction, and derived from Ord. No. 2892 N.S. and Ord. No. 2942 N.S.

30-98 - PUBLIC ART IN NEW COMMERCIAL, INDUSTRIAL, RESIDENTIAL AND MUNICIPAL CONSTRUCTION.

30-98.1 - Purposes.

The City Council finds and declares:

- a. Public art contributes to the public's understanding, enjoyment and experience of cultural diversity, and helps to attract and anchor a large and diverse creative sector, enriching the City's cultural identity which is a key component of the City's economic vitality.
- b. The incorporation of public art into private and public development will create a unique sense of community as well as public identity and enhance the visual and aesthetic quality of such developments.
- c. The incorporation of public art and cultural programs in private and public development is in the public interest and enhances the general welfare of those persons living and working in the City of Alameda.
- d. The provision of public art supports and implements General Plan policies to support and enhance the cultural and historic character of the community and ensure high quality architectural and artistic design in all new development.
- e. Cultural and artistic assets should be included in private development projects because those projects diminish the availability of the community's resources for those cultural and artistic features, and because it is important that those projects contribute to the urbanization of private property in a manner that benefits the public.
- f. Cultural and artistic resources foster economic development and tourism, revitalize urban areas, increase real property values, and improve the overall business climate by creating a more desirable community within which to live and work.

(Ord. No. 3199 N.S., § 1, 11-7-2017; Ord. No. 3303, § 2, 9-7-2021)

30-98.2 - Definitions.

For purposes of this article, the following terms shall have the following meanings:

Alameda Public Art Fund shall mean a separate account into which all monies generated under this article or derived from gifts or donations for public art shall be deposited.

Applicant shall mean the person or entity that is financially and legally responsible for the planning, development, and construction of any development project covered by this article, who may, or may not, be the owner of the subject property.

Artwork shall mean art, including but not limited to, sculpture, painting, mosaics, photography, crafts, mixed media, and electronic arts. Artwork as defined herein may be permanent, fixed, temporary, or portable, may be an integral part of a building, facility, or structure, and may be integrated with the work of other design professionals.

Artist shall mean an individual generally recognized by critics and peers as a professional practitioner of the visual, performing, media or literary arts as judged by the quality of that professional practitioner's body of work, educational background and experience, public performances, past public commissions, sale of works, exhibition record, publications, and production of artwork. The members of the architectural, engineering, design, or landscaping firms retained for the design and construction of a development project covered by this article shall not be considered artists for the purposes of this part.

Building development costs shall mean those construction costs as declared on all building permit applications for new construction or rehabilitation, and as accepted by the Chief Building Official, but shall not apply to costs solely attributable to tenant improvements. Building permit applications shall include, but not be limited to, all building, plumbing, mechanical and electrical permit applications for the project.

Cultural arts and arts programming shall mean: Performance arts, including, but not limited to: Theatre, dance, music; literary arts: Poetry reading and storytelling; film and video; screenings and installations; education; art lectures and presentations; special events: Festivals and celebrations; and artist-in-residence programs in the arts.

Cultural facility shall mean a structure that houses, and has as its primary purpose the presentation of one (1) or more public art forms, and that is operated by public entities or non-profit organizations dedicated to cultural activities available to a broad public. Examples of acceptable facilities are museums, theaters, and performing arts centers, and other similar facilities as determined appropriate by the Public Art Commission. Facilities that do not meet this definition are churches, schools, commercial movie theaters, gymnasiums or other sports facilities, bookstores, buildings dedicated primarily to housing or administrative activities, and for-profit facilities used for for-profit activities.

Development project shall mean any development which requires the issuance of a building permit by the City of Alameda.

Maintenance shall mean those activities required to conserve, repair, or preserve the integrity of the artwork and setting within which the artwork is located. Routine maintenance means the basic day-to-day care of the artwork.

Nonprofit organization shall mean an organization organized under Internal Revenue Code Section 501(c)(3) in good standing with the California Department of Corporations and in compliance with any and all federal, state, and local licensing, reporting, and tax requirements.

On-site artwork shall mean artwork that is provided on a development site in conformance with this article.

Program allocation shall mean the value of the on-site artwork required under subsection 30-98.4.

Public art shall mean art that is accessible to the public, including but not limited to artwork and cultural arts and arts programming.

Public Art Commission shall mean the City of Alameda commission which advises the City Council on public art policies, procedures and expenditures from the Alameda Public Art Fund.

Public art in-lieu contribution shall mean a payment made to the Alameda Public Art Fund in lieu of providing on-site artwork required by Section 30-98.3.

(Ord. No. 3199 N.S., § 1, 11-7-2017; Ord. No. 3303, § 2, 9-7-2021)

30-98.3 - Applicability and Exemptions.

- a. Applicability.
 1. Commercial, industrial and municipal development projects having a building development cost of two hundred fifty thousand (\$250,000.00) dollars or greater shall be subject to the provisions of this article.
 2. Residential development projects creating or rehabilitating five (5) or more residential units and having a building development cost of two hundred fifty thousand (\$250,000.00) dollars or greater shall be subject to the provisions of this article.
- b. The following shall be exempt from the provisions of this article:
 1. Affordable housing development projects in which one hundred (100%) percent of the units qualify as units affordable to very low-, low- or moderate-income households.
 2. Rehabilitation of designated City monuments.
 3. Development or rehabilitation of structures that house a cultural facility.
 4. Municipal or Non-Profit Organization Development Projects, including parks, may be exempted (fully or partially) from the provisions of this article when the City Council finds that, based upon the characteristics of the project or the project budget, it is in the best interests of the Alameda community to do so.

(Ord. No. 3199 N.S., § 1, 11-7-2017; Ord. No. 3303, § 2, 9-7-2021)

30-98.4 - Contribution Requirements.

- a. Program Allocation. Development projects subject to the provisions of this article shall expend not less than one (1%) percent of building development costs acquiring and installing on-site artwork. This expenditure shall be referred to as the program allocation. Notwithstanding the foregoing, the specific program allocation for a project subject to a development agreement or a disposition and development agreement shall be established in the project specific agreement as part of a negotiated comprehensive public benefit package.
- b. In-lieu Payments. In lieu of acquiring and installing on-site artwork as required under subsection a. of this section, the applicant, at the applicant's discretion, may pay into the Alameda Public Art Fund a public art in-lieu contribution in an amount equal to one hundred (100%) percent of the program allocation. If an applicant chooses to make the public art in-lieu payment, the applicant must make that choice prior to final approval of the development project application and fully pay the public art in-lieu payment to the City prior to the City's issuing the first building permit for the development project for which the contribution is required.
- c. If the applicant chooses to acquire and install on-site artwork, and the value of the on-site artwork is less than one hundred (100%) percent of the program allocation, the applicant shall pay into the Alameda Public Art Fund the difference between one hundred (100%) percent of the program allocation and the value of the on-site artwork.

(Ord. No. 3199 N.S., § 1, 11-7-2017; Ord. No. 3303, § 2, 9-7-2021)

30-98.5 - Public Art Requirements.

- a. On-site artwork shall be installed on the development project site in a location that allows the artwork to be visible from a public right-of-way or from other publicly accessible property. Interactive art must be fully accessible to the public.
- b. On-site artwork shall be permanent in nature and shall be constructed of materials that are appropriate for the proposed location.

- c. On-site artwork installations required by Section 30-98.4 may include:
 1. Sculpture; such as in the round, bas-relief, mobile, fountain, kinetic, electronic, or other, in any material or combination of materials;
 2. Painting: All media, including but not limited to, murals;
 3. Graphic and multi-media: Printmaking, drawing, calligraphy and photography including digital, any combination of forms of electronic media including sound, film, holographic, and video and other art forms but only when on a large public scale;
 4. Mosaics;
 5. Crafts: In clay, fiber and textiles, wood metal, plastics and other materials;
 6. Mixed Media: Any combination of forms or media, including collage; and
 7. Any other artwork determined by the Public Art Commission, or City Council on appeal, to satisfy the intent of this section.
- d. The following facilities and artwork shall not be eligible to satisfy the requirements for on-site artwork:
 1. Construction of indoor or outdoor stages or performance spaces.
 2. Cultural arts and arts programming.

(Ord. No. 3199 N.S., § 1, 11-7-2017; Ord. No. 3303, § 2, 9-7-2021)

30-98.6 - Application and Approval Procedures for On-site Artwork.

- a. Projects subject to the public art requirement shall declare their intention to install public art on-site or to contribute to the in-lieu fund as part of the initial discretionary permit for the project, or the submission of building permits, if no discretionary permits are required for the project. If an applicant chooses to install public art on-site, the applicant shall identify the proposed location(s) of the on-site public art on the submitted plans.
- b. An application for the installation of on-site artwork shall be submitted to the Community Development Department on forms furnished for that purpose and shall include the following information, as applicable:
 1. Landscape and/or site plans indicating the location and orientation of the on-site artwork that integrates the artwork into the overall project design;
 2. A sample, model, photograph or drawings of the proposed on-site artwork;
 3. Material samples and finishes if appropriate;
 4. The artist's resume and portfolio of past work, which demonstrates competency with the materials and forms proposed for the on-site artwork proposal;
 5. A written statement by the artist describing the on-site artwork, as well as a discussion of the manner in which the proposed on-site artwork meets the findings established by subsection e. of this section;
 6. An itemized budget declaring the valuation of the on-site artwork pursuant to Section 30.98.8;
 7. A maintenance plan for the maintenance of the on-site artwork; and
 8. Any such additional information or material as may be required by the Community Development Director.
 9. Application processing fees set by City Council Resolution.
- c. The application submitted pursuant to subsection a. of this section shall be referred to the Community Development Director to determine whether the application is complete and in accordance with the requirements of this article. If the Community Development Director fails to make a determination within thirty (30) days, the application shall be

deemed complete. Once complete, the Community Development Director shall transmit the application to the Public Art Commission for review and decision.

- d. The Public Art Commission shall review the permit application at a noticed public hearing within sixty (60) days of the application being deemed complete.
- e. Public notice of the Public Art Commission meeting shall be given consistent with the noticing requirements of Section 30-22.4 Notice of Public Hearing.
- f. In order to approve an on-site artwork application, the Public Art Commission must make all of the following findings:
 - 1. The artist has demonstrated qualifications to complete the proposed on-site artwork with the highest professional standards.
 - 2. There is sufficient public visibility and accessibility to the on-site artwork, and the proposed on-site artwork is compatible with and harmonious with the development project and surrounding environment.
 - 3. The proposed on-site artwork is durable and cost effective to maintain using ordinary methods of maintenance.
 - 4. The budget for the proposed on-site artwork and any in-lieu fees proposed by the applicant is equivalent to or exceeds the required program allocation.
- g. The Public Art Commission may conditionally approve an application subject to such conditions that the Public Art Commission deems reasonably necessary to conform to the findings for approval. Approvals of public art applications shall be by resolution of the Public Art Commission. The resolution shall include the findings required by this article, any conditions of approval, and the maintenance obligations of the property owner on which the on-site artwork is to be located. Any substantial changes to the approved artwork or location after Public Art Commission approval shall be subject to further review and approval by the Public Art Commission. The Community Development Director, in the Director's discretion, may make a determination regarding the substantiality of any changes.
- h. Any final decision of the Public Art Commission may be appealed to the City Council within ten (10) calendar days or may also be called for review by the City Council pursuant to the call for review process in Section 30-25.1.
- i. If the Public Art Commission is unable to act on an application within sixty (60) calendar days of receipt of a complete application, and an extended period mutually agreed to by the applicant and the Public Art Commission cannot be reached, the application shall be noticed for review and decision at the next available regularly scheduled meeting of the City of Alameda Planning Board. The Planning Board shall act on the application pursuant to the requirements of this article.
- j. The application required by this article shall be made, approval obtained and the artwork installed prior to final building inspection or issuance of the first certificate of occupancy for development project. If installation prior to the date of first occupancy is impracticable, as determined by the Community Development Director, a certificate of occupancy may be approved for the development project or portion thereof if the application submitted pursuant to this article has been approved, the applicant has executed a written agreement with the City to install the on-site artwork, and the applicant has filed security in an amount equal to the program allocation or the value of the proposed on-site artwork, whichever is greater, and in a form acceptable to the City Attorney to guarantee installation.
- k. The Community Development Director may adopt administrative regulations to implement this Ordinance and the Public Art Fund.

(Ord. No. 3199 N.S., § 1, 11-7-2017; Ord. No. 3303, § 2, 9-7-2021)

- a. The property owner on which the on-site artwork is located shall maintain, or cause to be maintained, in good condition the on-site artwork continuously after its installation and shall perform necessary maintenance thereto to the satisfaction of the City. The maintenance obligations of the property owner shall be incorporated into the conditions of approval for the on-site artwork and shall be reflected in an agreement between the City and the owner of the property on which the on-site art work shall be located and the agreement shall be recorded against the property prior to issuance of the first certificate of occupancy for the development project.
- b. Should the property owner wish to remove the on-site artwork, the City must be notified in advance. The property owner shall replace the on-site artwork with on-site artwork of equal or greater value, and consistent with the California Preservation of Works of Art Act and the Federal Visual Artists' Rights Act and any other relevant law.

(Ord. No. 3199 N.S., § 1, 11-7-2017; Ord. No. 3303, § 2, 9-7-2021)

30-98.8 - Included and Excluded Expenses.

- a. The following expenses may be included in the budget for the program allocation for on-site artwork:
 1. The on-site artwork itself including the artist's fee for design, structural engineering and fabrication;
 2. Transportation and installation of the on-site artwork at the development project site;
 3. Identification signs; and
 4. Mountings, anchorages, containments, pedestals, bases, or materials necessary for installation of the on-site artwork art.
- b. The following expenses shall not be included in the budget for the program allocation for on-site artwork:
 1. The cost of locating the artist(s);
 2. Architect and landscape architect fees;
 3. Land costs;
 4. Landscaping around the on-site artwork not integral to its design;
 5. Publicity, public relations, photographs or dedication ceremonies;
 6. Utility fees associated with activating the artwork; and
 7. Illuminating the on-site artwork if not integral to the design.

(Ord. No. 3199 N.S., § 1, 11-7-2017; Ord. No. 3303, § 2, 9-7-2021)

30-98.9 - Compliance.

- a. Compliance with the provisions of this article shall be demonstrated by the applicant, as follows:
 1. Satisfaction of the contribution requirements of Section 30-98.4; and
 2. If applicable, installation of the on-site artwork, or the execution of an agreement to install the on-site artwork, in accordance with Section 30-98.6; and
 3. If applicable, execution of maintenance agreement in accordance with Section 30-98.7 and evidence that the maintenance agreement has been recorded against the property prior to the issuance of the first certificate of occupancy.

(Ord. No. 3199 N.S., § 1, 11-7-2017; Ord. No. 3303, § 2, 9-7-2021)

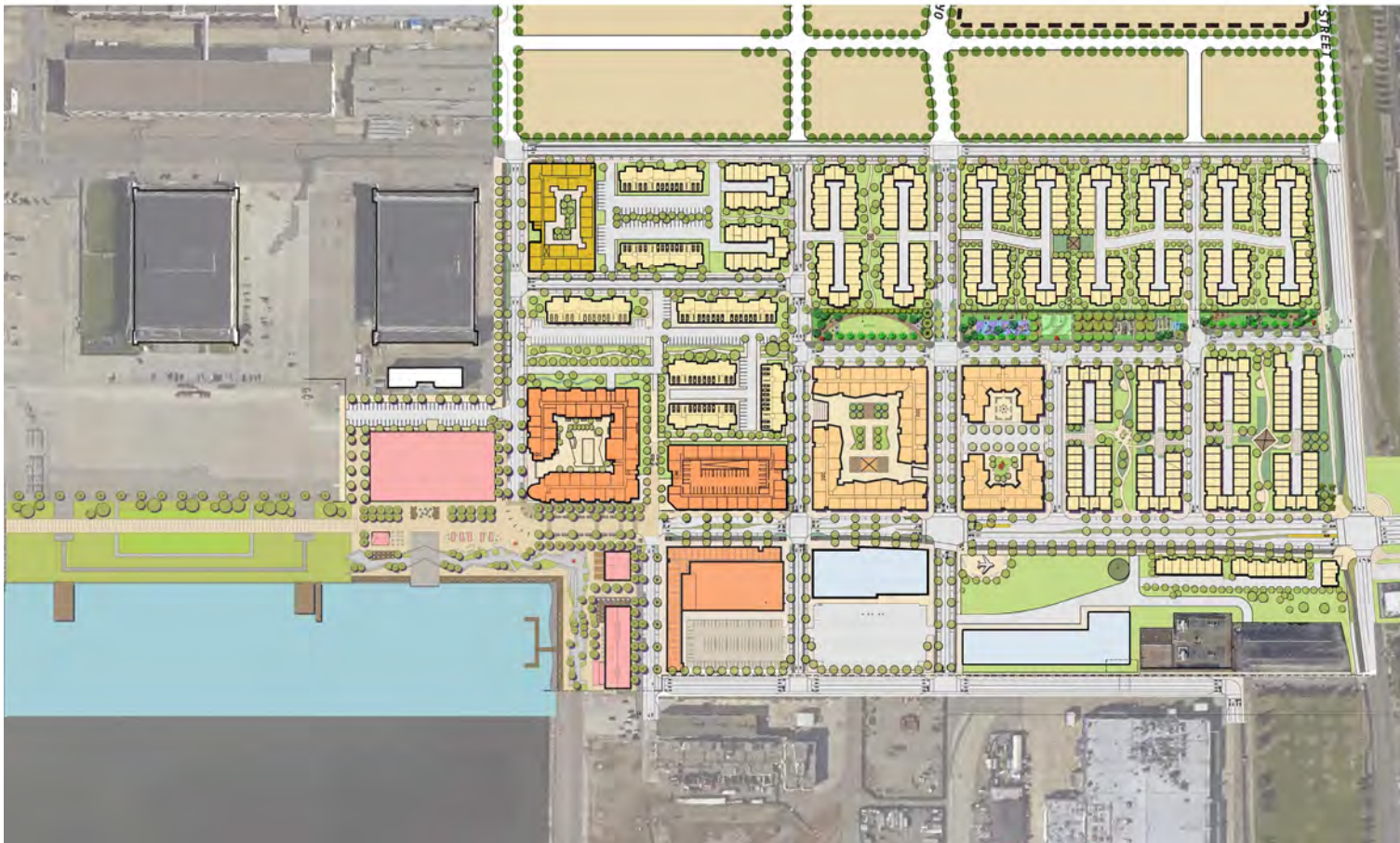
30-98.10 - Alameda Public Art Fund.

- a. There is hereby created the Alameda Public Art Fund to account for the public art in-lieu contributions made pursuant to Section 30-98.4 and any and all gifts, grants, donations, or other revenues appropriated or received for public art. The revenues in the Alameda Public Art Fund shall be used solely as follows:
1. Acquisition, commission, design, installation, improvement, and insurance of public art;
 2. City acquisition of real property or improvement of public property for the purpose of displaying public art, which has been or may be subsequently approved by the City;
 3. Grants to provide publicly accessible cultural arts and arts programming to benefit the Alameda community.
 4. Other expenses associated with implementation, conservation, maintenance, or deaccession of public art. Funds for conservation, maintenance or deaccession of public art shall be prioritized for public art on public property.
- b. Public art shall be located in a publicly accessible place on private property, on land or in a building owned by the City of Alameda or on government-owned publicly accessible property. Cultural arts and arts programming shall be free of charge to the public.
- c. For public art, the property owner on which the public art is located shall maintain, or cause to be maintained, in good condition the public art for its lifetime and shall perform necessary maintenance to the satisfaction of the City, as established in a long-term maintenance plan approved by the Public Art Commission and reflected in a recorded maintenance agreement.
- d. Based on the Alameda Public Art Fund balance at the time a request for proposals is released, no more than twenty-five (25%) percent of the Alameda Public Art Fund shall be distributed for cultural arts and arts programming.
- e. The Public Art Commission shall present biennially to the City Council recommendations for the distribution of any portion of the Alameda Public Art Fund.
- f. The Alameda City Council shall authorize expenditures from the Alameda Public Art Fund consistent with the purpose of this article, except that the City Manager shall be authorized to approve expenditures within the City Manager's spending authority. All requisitions and purchases shall be authorized consistent with approval authorizations in the City of Alameda Purchasing Policy. The City Manager shall notify the Council of any expenditure approved by the City Manager for any new art work or project. Any two Members of the Council may call the City Manager's decision for review within ten days of the City Manager's notification. If no call for review is timely perfected, the City Manager's decision shall become final and effective.
- g. If real property purchased with monies from the Alameda Public Art Fund is subsequently sold, the proceeds from the sale shall be returned to the Alameda Public Art Fund.

(Ord. No. 3199 N.S., § 1, 11-7-2017; Ord. No. 3303, § 2, 9-7-2021)

EXHIBIT 2

Exhibit B to the Development Agreement
Development Plan



ALAMEDA POINT - SITE A - DEVELOPMENT PLAN

Project Sponsor: Alameda Point Partners

Prepared by: BAR Architects, April Philips Design Workshop, BKF Engineers

Second Amendment, July 25, 2022

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HOLDINGS

EBL

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MadisonMarquette
LANGAN

KH
Fusion/Horizon

FIELD
PAOLI

A.P.
D.W.

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CONTEXT

Existing Conditions at Site A	04
Site Photos	05
Planned Land Use and Open Space	06



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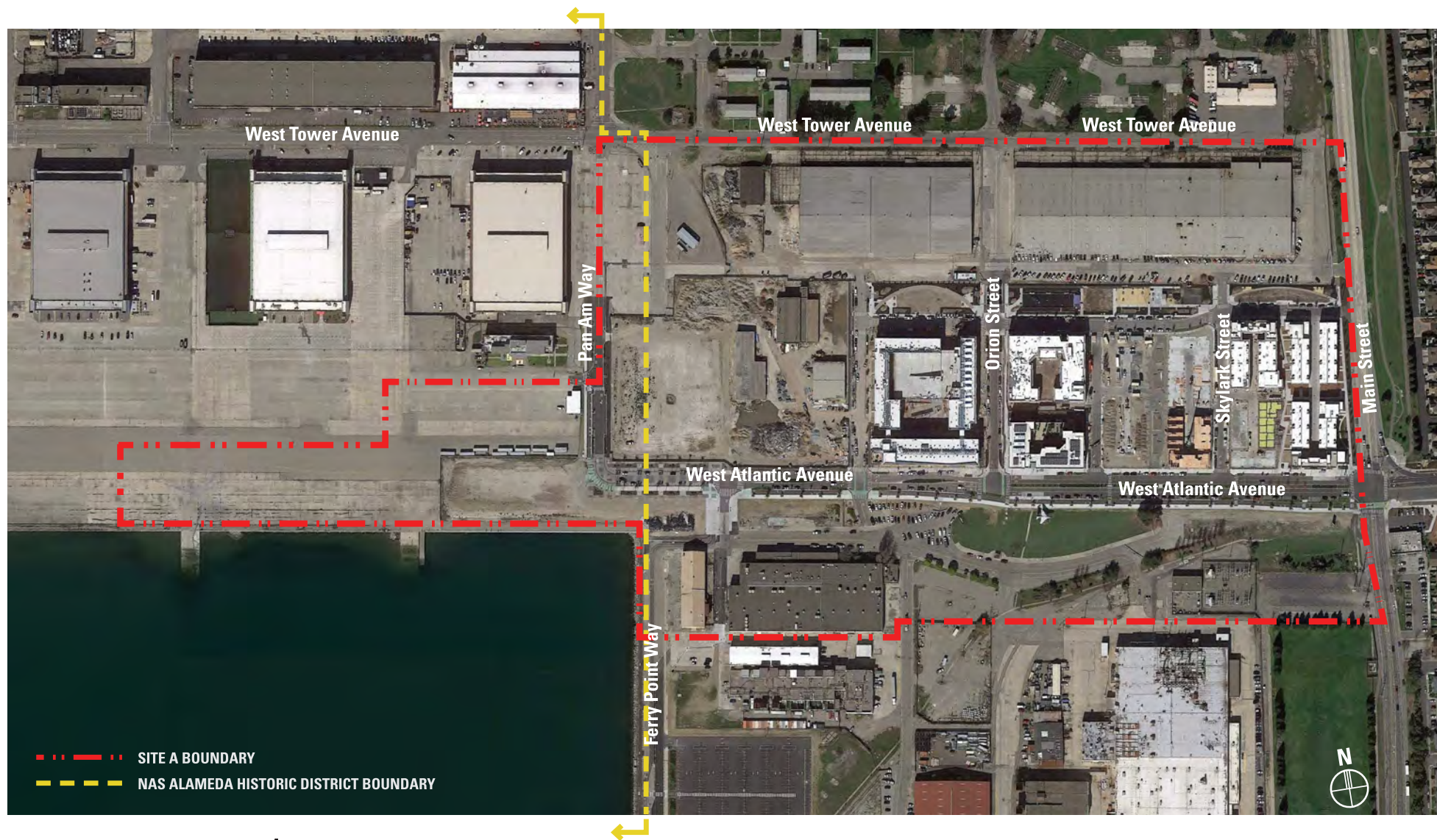
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EXISTING CONDITIONS AT SITE "A"

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EXISTING BUILDING 77 (LEFT) AND 41 (RIGHT)



EXISTING BUILDING 77



EXISTING BUILDING 40 (BLADIUM)



EXISTING BUILDING 113

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SITE PHOTOS

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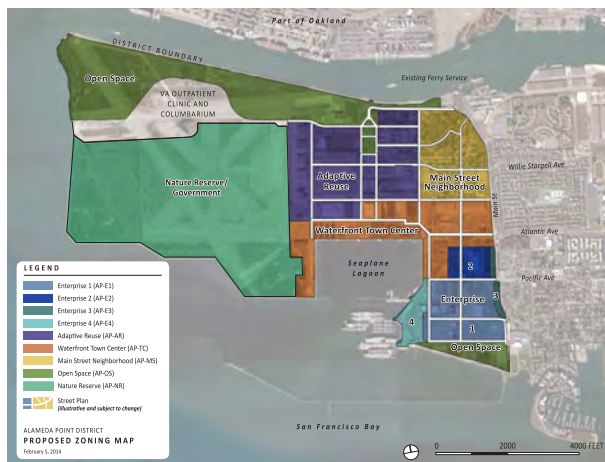
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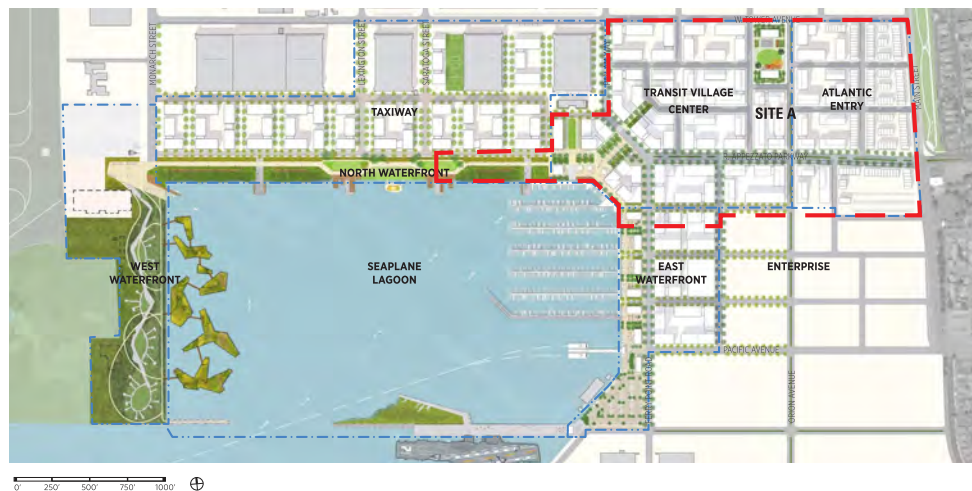
ALAMEDA POINT PLANNING GUIDE - OPEN SPACE FRAMEWORK

* DRAWING FROM 9/12/2013 ALAMEDA POINT PLANNING GUIDE

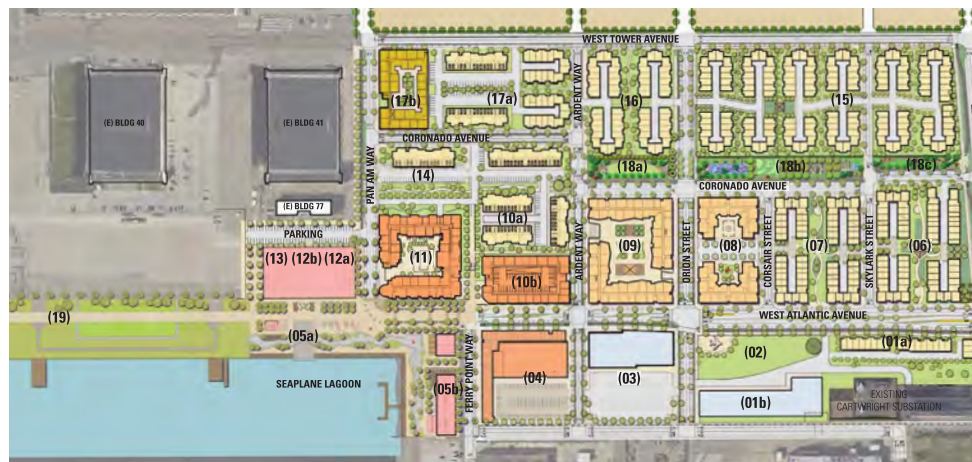


ALAMEDA POINT - ZONING MAP

* DRAWING FROM www.alamedaca.gov



PRECISE PLAN - TOWN CENTER AREA



ILLUSTRATIVE SITE PLAN - ALL PHASES

LAND USE & DEVELOPMENT

Illustrative Site Plan - All Phases	08
Illustrative Site Plan - Phasing	09
Street / Surface Improvements Phasing	10
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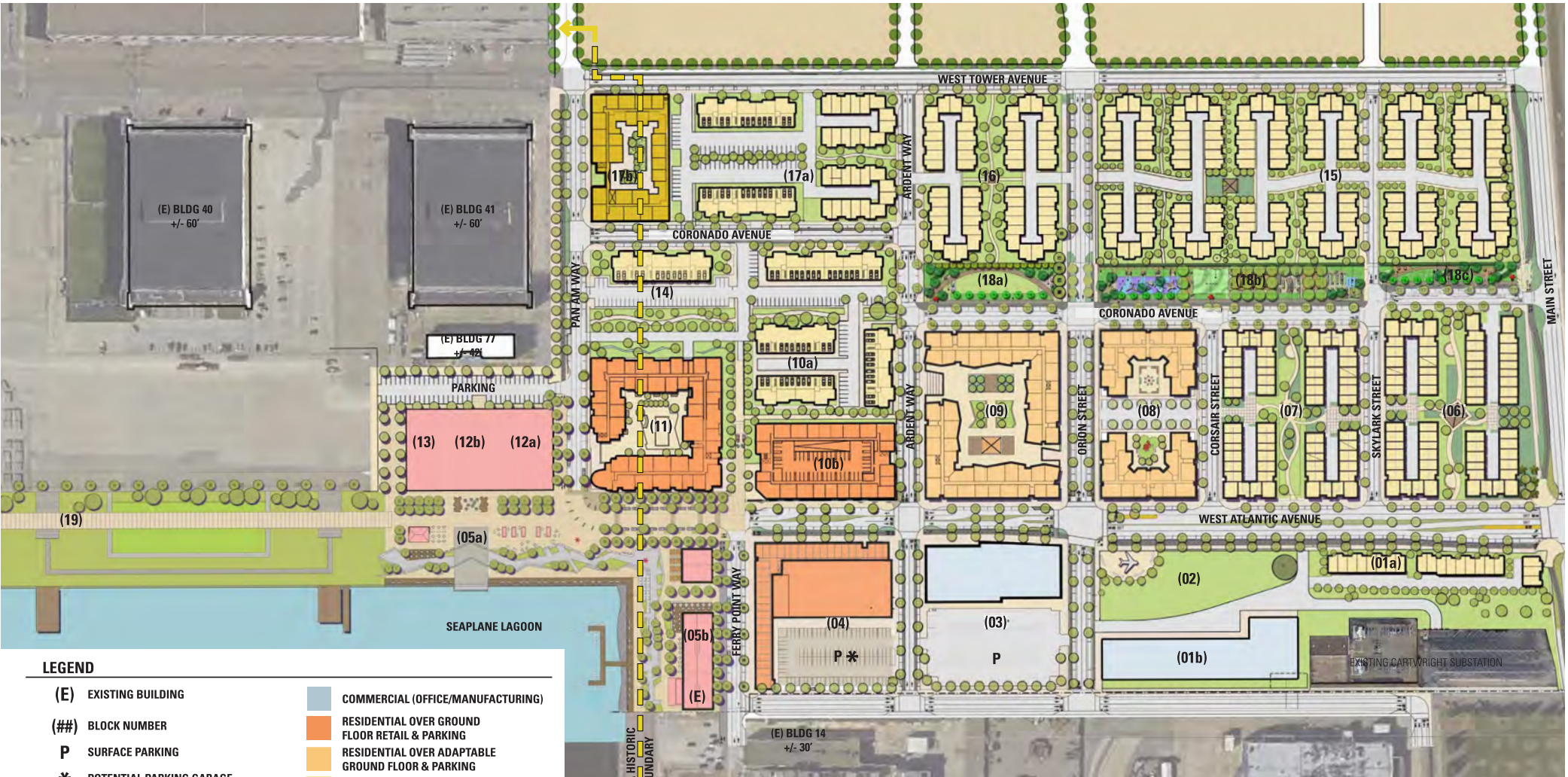
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LEGEND

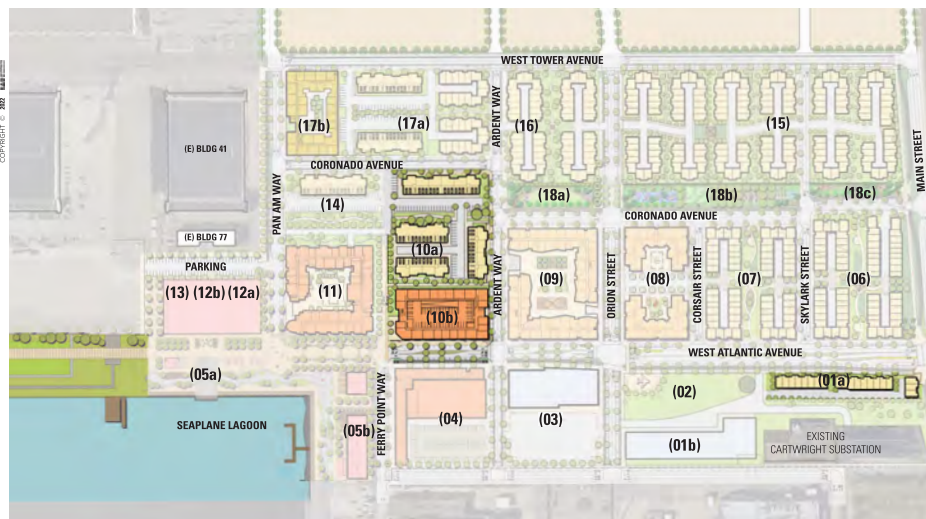
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|----------------------------|---|
| (E) EXISTING BUILDING | COMMERCIAL (OFFICE/MANUFACTURING) |
| (##) BLOCK NUMBER | RESIDENTIAL OVER GROUND FLOOR RETAIL & PARKING |
| P SURFACE PARKING | RESIDENTIAL OVER ADAPTABLE GROUND FLOOR & PARKING |
| * POTENTIAL PARKING GARAGE | RESIDENTIAL TOWNHOME & WALK UP |
| PUBLIC PARKING | RETAIL (SHOPS & RESTAURANTS) |
| OPEN SPACE - COLORS VARY | |

*THIS SITE PLAN & BUILDING CONFIGURATIONS ARE ILLUSTRATIVE ONLY. ALL IMPROVEMENTS SUBJECT TO DESIGN REVIEW APPROVAL.

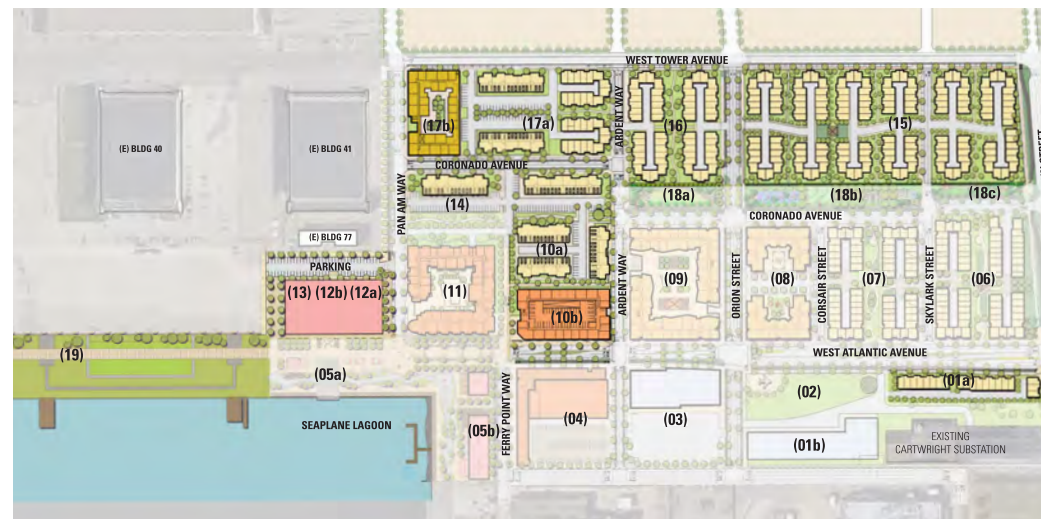
*EXISTING BUILDINGS AND/OR SITES MAY BE OCCUPIED WITH USES CONSISTENT WITH THIS PLAN DURING ANY PHASE

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ILLUSTRATIVE SITE PLAN - ALL PHASES



ILLUSTRATIVE SITE PLAN - PHASE 1



ILLUSTRATIVE SITE PLAN - PHASE 2

LEGEND

(E) EXISTING BUILDING

(##) BLOCK NUMBER

EXISTING BUILDINGS AND/OR SITES
MAY BE OCCUPIED WITH USES
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ANY PHASE

PUBLIC PARKING

OPEN SPACE - NEIGHBORHOOD PARK

COMMERCIAL (OFFICE/MANUFACTURING)

RESIDENTIAL OVER GROUND
FLOOR RETAIL & PARKING

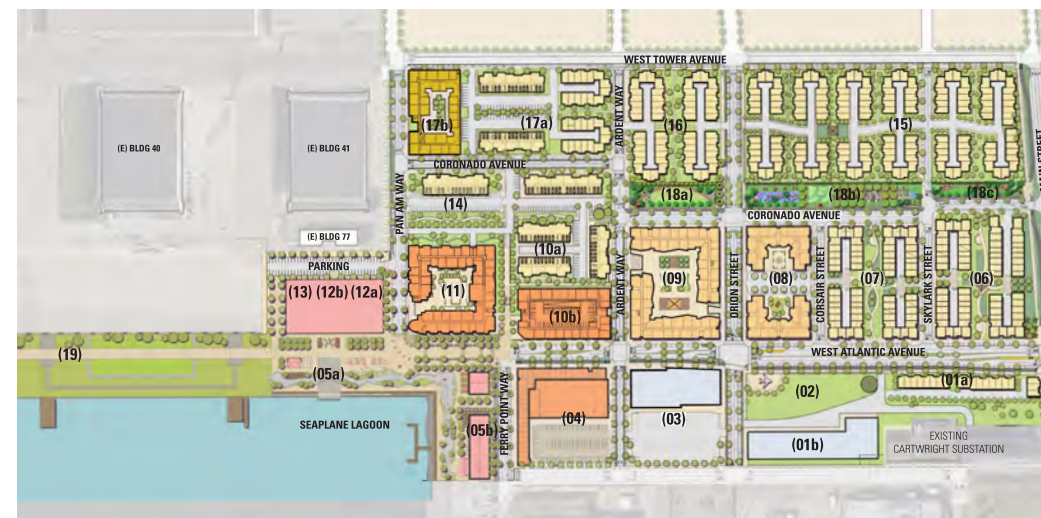
RESIDENTIAL OVER ADAPTABLE
GROUND FLOOR & PARKING

RESIDENTIAL TOWNHOME & WALK UP

RETAIL (SHOPS & RESTAURANTS)

Alameda Point Site A						
Phase 1						
Parcel	Land Total	Unit Density		Commercial/Retail	Land Use	
		Low	High			
1a	0.85	17	21	-		Residential
5a	2.63	-	-	-		Open Space
6	2.83	64	64	-		Residential
7	2.43	60	60	-		Residential
8	1.73	130	130	-		Residential
9	2.42	200	200	10,000sf		Mixed-Use
10a	2.93	70	88	-		Residential
10b	1.15	79	91	10,500sf		Mixed-Use
11	2.58	220	220	15,000sf		Mixed-Use
18	1.92	-	-	-		Open Space
Phase 1 Total	21.47	840	874	±35,500sf		Varies
Phase 2						
12/13	1.54	-	-	53,000sf		Theater
14	0.84	20	25	-		Residential
15	7.13	128	153	-		Residential
16	2.4	73	88	-		Residential
17a	2.78	42	52	-		Residential
17b	1.02	103	103	-		Residential
19	3.59	-	-	-		Open Space
Phase 2 Total	19.3	366	421	±53,000sf		Varies
Phase 3						
1b	2.57	-	-	38,000sf		Commercial
2	1.54	-	-	-		Open Space
3	2.09	-	-	70,000sf		Commercial
4	2.15	-	-	106,000sf		Hotel / Commercial
5b	3.49	-	-	14,000sf		Open Space / Commercial
Phase 3 Total	11.8	-	-	±228,000sf		Varies
Site A Total	68.0	1284		Approx. 300,000sf - 360,000sf		Varies

*Total Site A acreage includes horizontal infrastructure



ILLUSTRATIVE SITE PLAN - PHASE 3

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ILLUSTRATIVE SITE PLAN - PHASING

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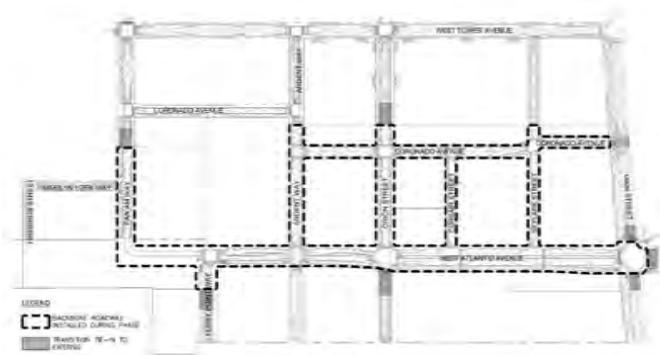
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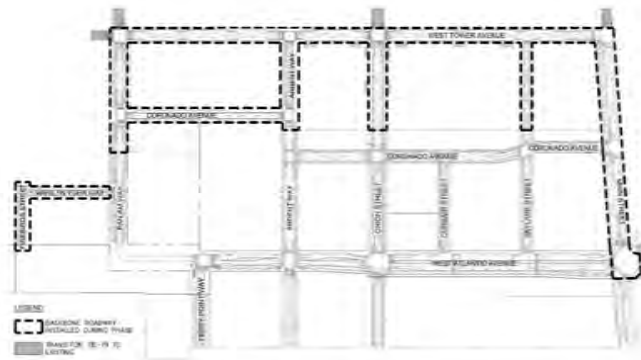
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PHASE 1 BACKBONE ROADWAY INFRASTRUCTURE

1 OF 3

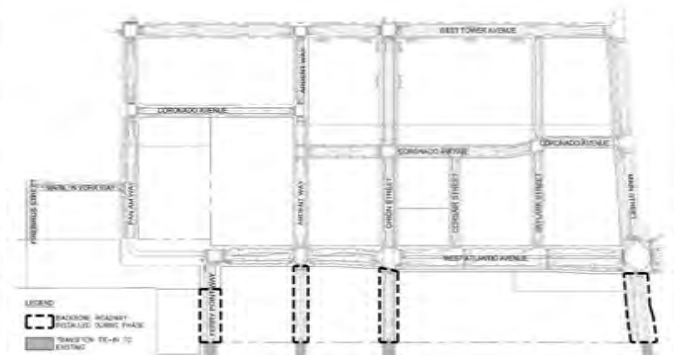
NOT TO SCALE



PHASE 2 BACKBONE ROADWAY INFRASTRUCTURE

2 OF 3

NOT TO SCALE



PHASE 3 BACKBONE ROADWAY INFRASTRUCTURE

3 OF 3

NOT TO SCALE

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STREET / SURFACE IMPROVEMENTS PHASING

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*NOTE: RESIDENTIAL UNIT DESIGNATIONS ARE APPROXIMATE, PER BLOCK, BUT TOTAL SHALL NOT EXCEED 1,300 RESIDENTIAL UNITS ACROSS "SITE A"





** PER PRECISE PLAN, HEIGHT MAY EXCEED 65' WITH SPECIAL CONSIDERATION, IF THE FOLLOWING FINDING CAN BE MADE: THE BUILDING EXHIBITS EXCEPTIONAL ARCHITECTURAL DESIGN AND IS TRANSIT SUPPORTIVE

ALAMEDA POINT

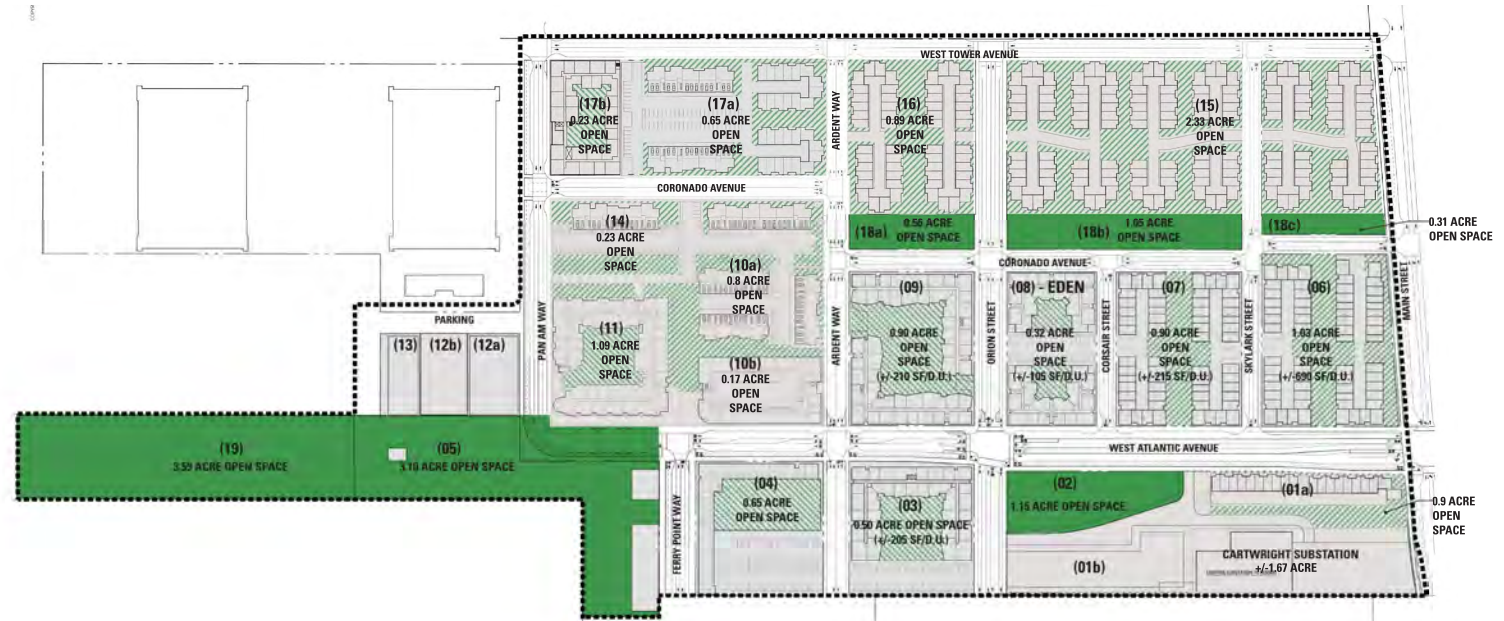
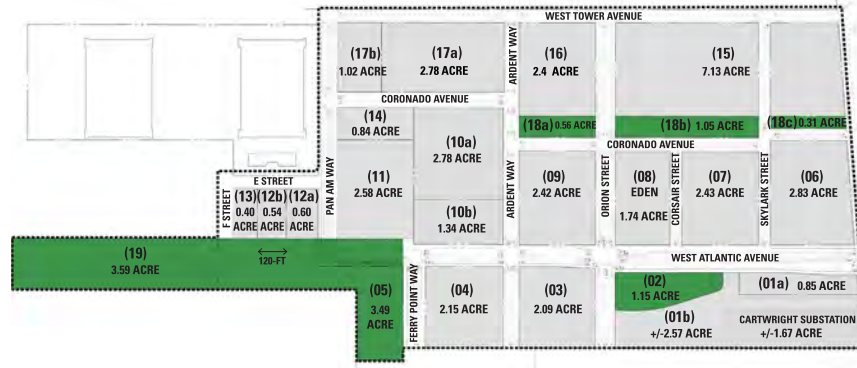
ALAMEDA, CA

LAND USE DIAGRAM

PARCEL ACREAGE

	+/- 10.14 ACRES PUBLIC PARK/PLAZA
	+/- 16.33 ACRES STREET R.O.W.
	+/- 41.36 ACRES PRIVATE
	+/- 67.8 SITE A

PARCEL DIAGRAM



	BUILDING OR PARKING
	PUBLIC PARK/PLAZA
	PRIVATIZED OPEN SPACE ON GRADE
	PRIVATIZED OPEN SPACE ON PODIUM

OPEN SPACE DIAGRAM

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OPEN SPACE & PARCEL DIAGRAMS

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ALAMEDA POINT SITE A – UNIVERSAL DESIGN AND AGING IN PLACE:

SITE A WILL BE DESIGNED TO SUPPORT UNIVERSAL DESIGN AND THE ABILITY TO AGE IN PLACE FOR FUTURE RESIDENTS.

FIFTY EIGHT PERCENT (58%) OF THE RESIDENTIAL UNITS IN PHASE 1 AND PHASE 2 WILL MEET THE CITY OF ALAMEDA UNIVERSAL DESIGN ORDINANCE REQUIREMENT FOR UNIVERSAL DESIGN AND 70% WILL MEET THE REQUIREMENT FOR VISITABILITY.

PHASE 3 WILL BE SUBJECT TO REVIEW UPON DESIGN FOR COMPLIANCE WITH THE ORDINANCE.

LEGEND

- (E) EXISTING BUILDING

(##) BLOCK NUMBER

PUBLIC PARKING

OPEN SPACE - NEIGHBORHOOD PARK
- COMMERCIAL (OFFICE/MANUFACTURING)

RESIDENTIAL OVER GROUND FLOOR RETAIL & PARKING

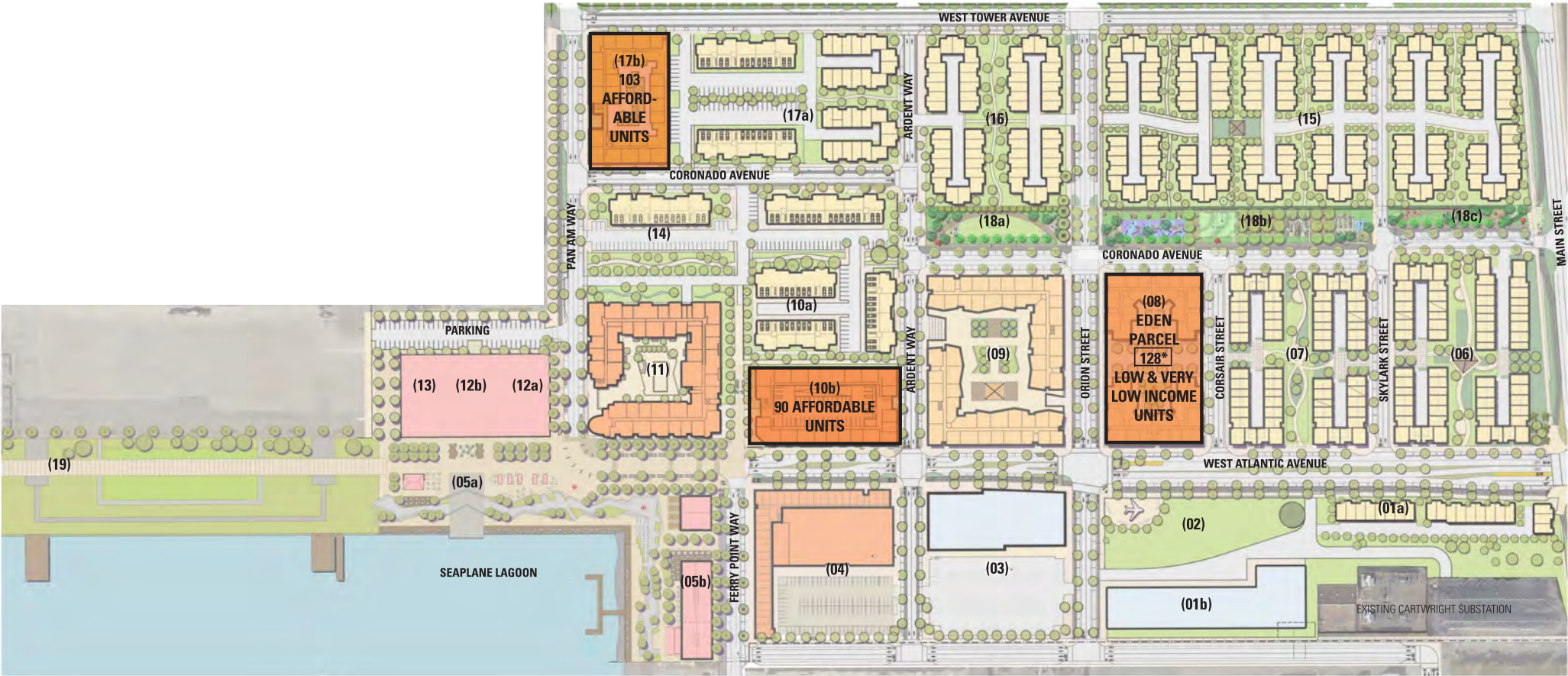
RESIDENTIAL OVER ADAPTABLE GROUND FLOOR & PARKING

RESIDENTIAL TOWNHOME & WALK UP

RETAIL (SHOPS & RESTAURANTS)

AFFORDABLE HOUSING

PHASE	INCOME TYPE	NUMBER OF UNITS	PARCEL LOCATION
1	VERY LOW & LOW	128	08
1B	VERY LOW, LOW & MODERATE	90	10B
2	VERY LOW, LOW & MODERATE	103	17B
TOTAL:		321	



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AFFORDABLE HOUSING PLAN AND UNIVERSAL DESIGN



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ARCHITECTURAL CHARACTER IMAGES - TOWN HOMES

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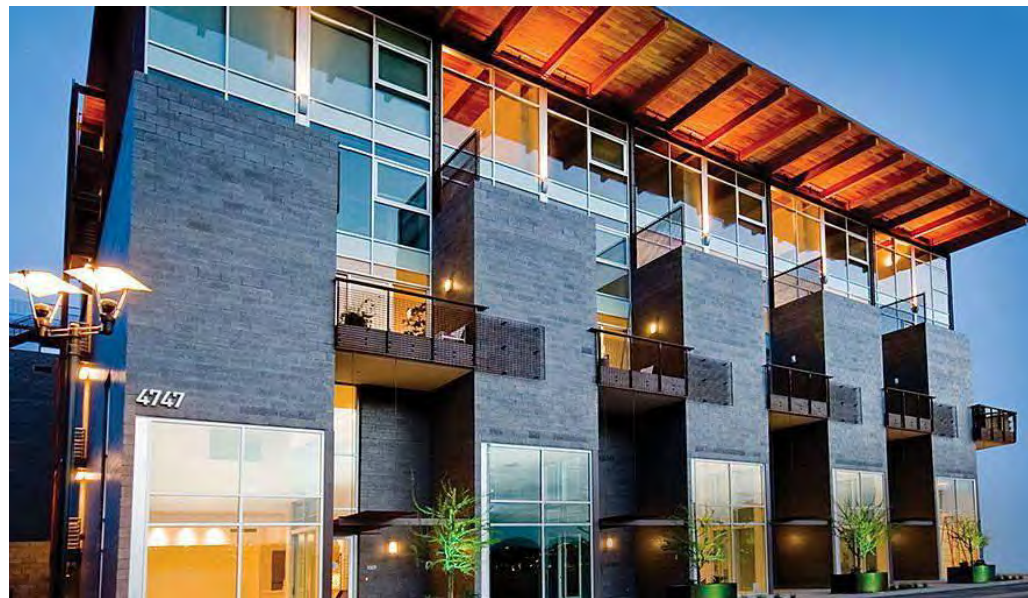
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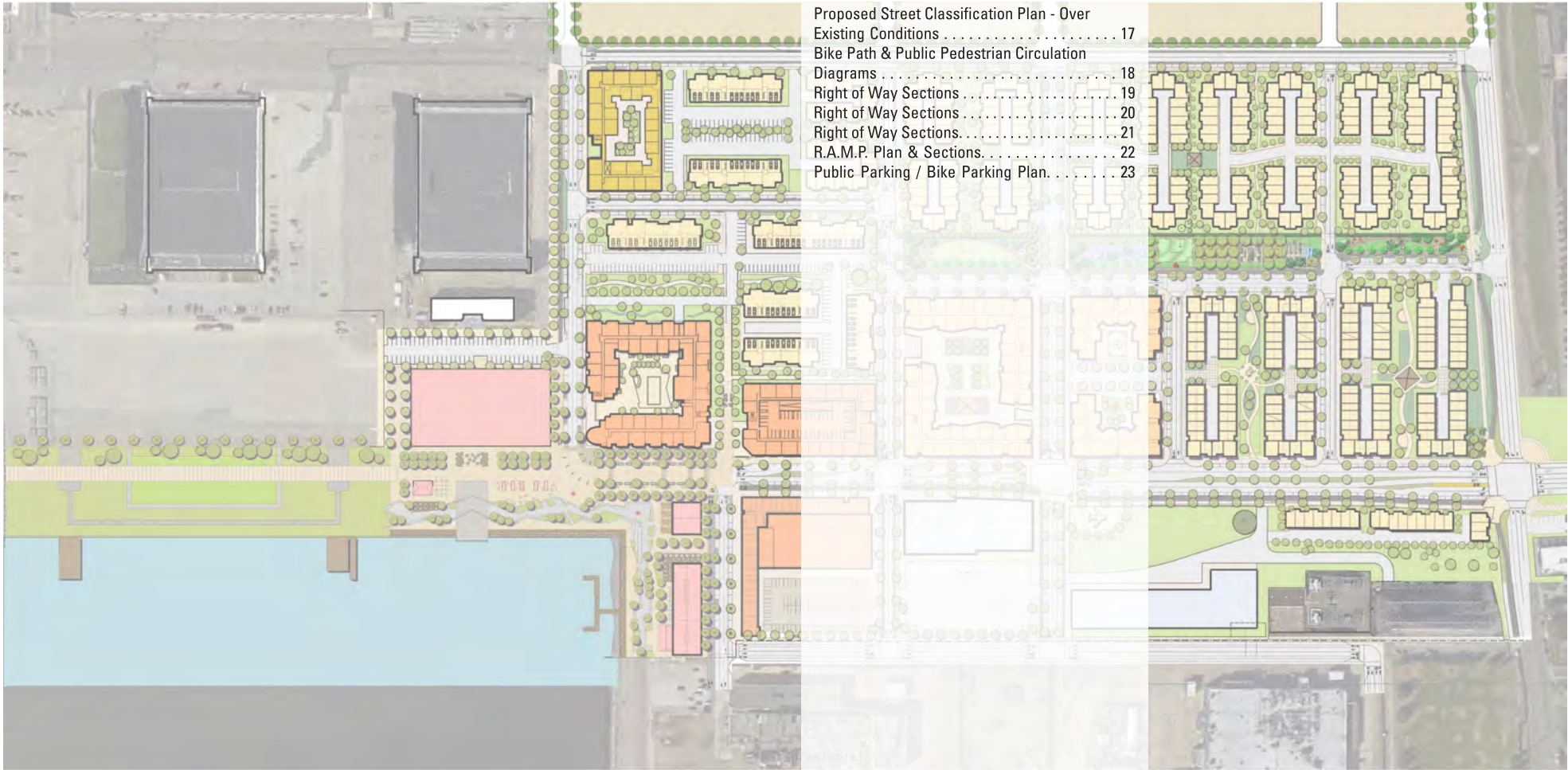
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TRANSPORTATION & CIRCULATION

Proposed Street Classification Plan - Over Existing Conditions 17

Bike Path & Public Pedestrian Circulation Diagrams 18

Right of Way Sections 19

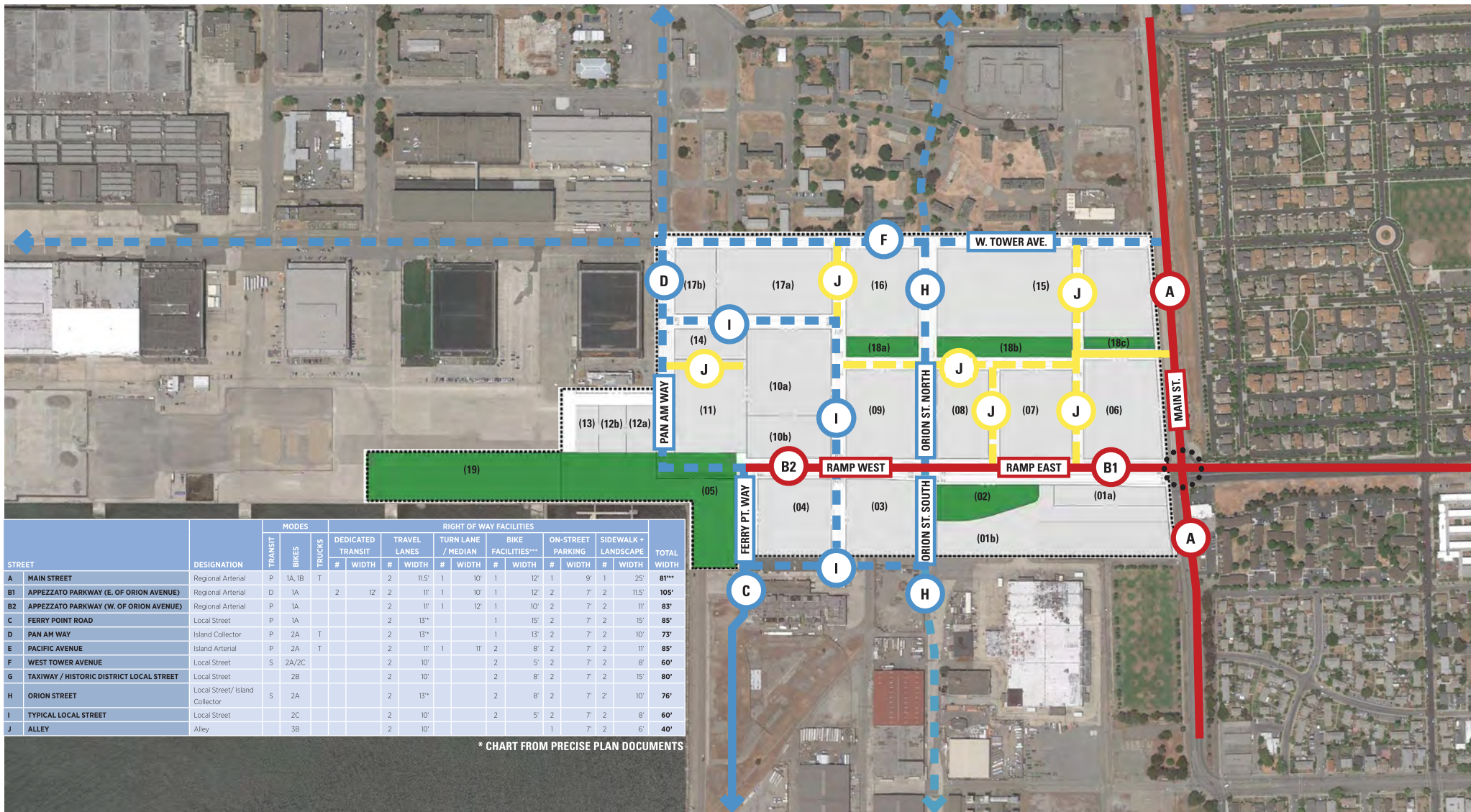
Right of Way Sections 20

Right of Way Sections 21

R.A.M.P. Plan & Sections 22

Public Parking / Bike Parking Plan 23

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PROPOSED STREET CLASSIFICATION PLAN - OVER EXISTING CONDITIONS

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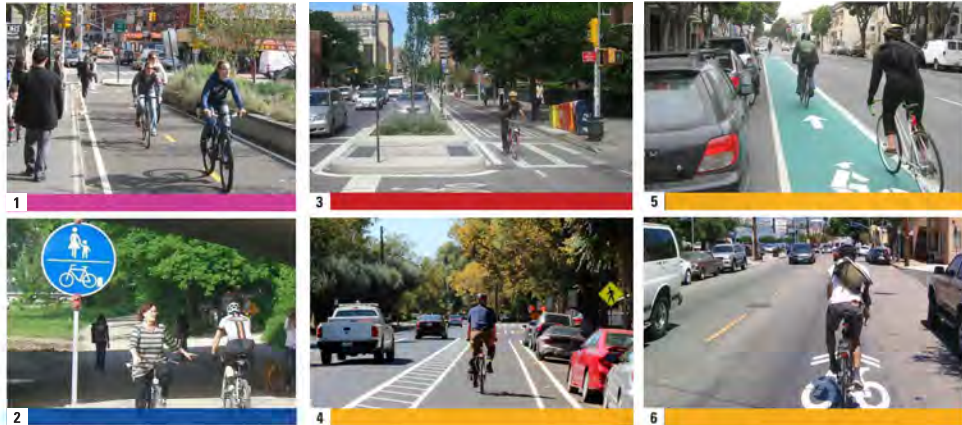
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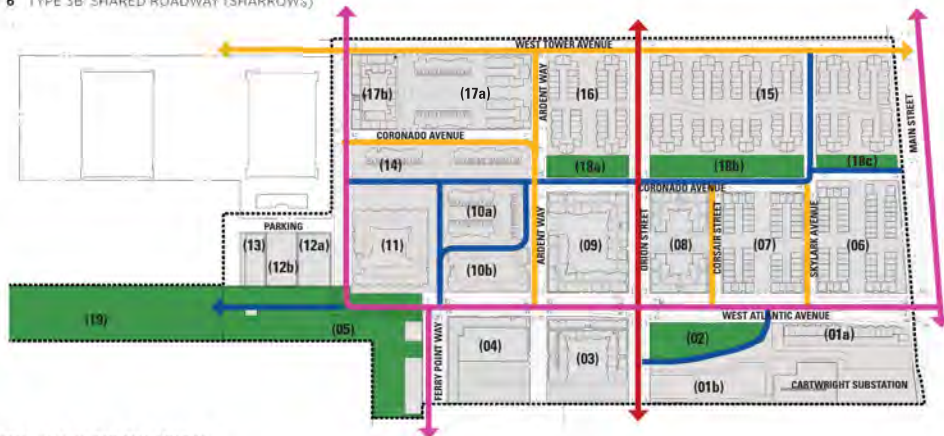


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*IMAGES FROM JULY ALAMEDA PRECISE PLAN

- 1 TYPE 1A: SEPARATED BIKE TRAIL
- 2 TYPE 1B: SHARED PEDESTRIAN / BIKE TRAIL
- 3 TYPE 2A: BIKE LANES WITH PHYSICAL BARRIER
- 4 TYPE 2B: BIKE LANES WITH PAINTED BUFFER
- 5 TYPE 2C: BIKE LANES WITH STRIPE ONLY
- 6 TYPE 3B: SHARED ROADWAY (SHARROWS)

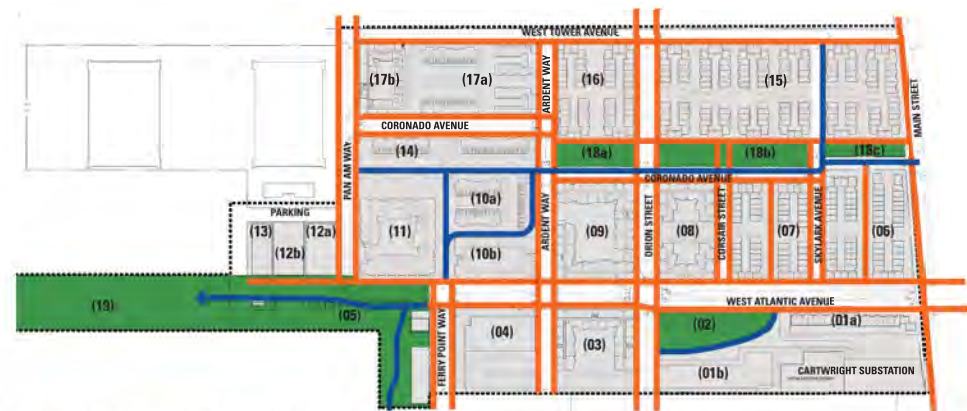


BIKE PATH CIRCULATION

- SEPARATED BIKE TRAIL (TYPE 1A)
- SHARED PEDESTRIAN / BIKE TRAIL (TYPE 1B)
- BIKE LANES WITH PHYSICAL BARRIERS (TYPE 2A)
- BIKE LANES WITH PAINTED BUFFER, SHARROWS OR STRIPE ONLY (TYPE 2B, 2C, & 3B)



NAKED STREET REFERENCE IMAGES



PUBLIC PEDESTRIAN CIRCULATION

- SIDEWALK - PEDESTRIAN ONLY
- SHARED PEDESTRIAN / BIKE TRAIL

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BIKE PATH AND PUBLIC PEDESTRIAN CIRCULATION DIAGRAMS

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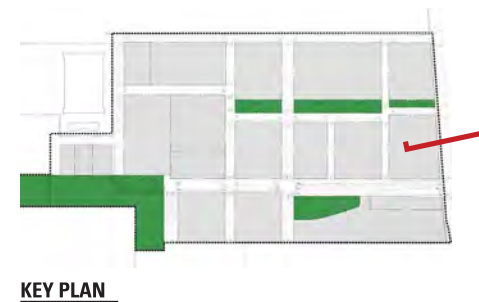
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MAIN STREET R.O.W. SECTION

* SECTION FROM PRECISE PLAN DOCUMENTS



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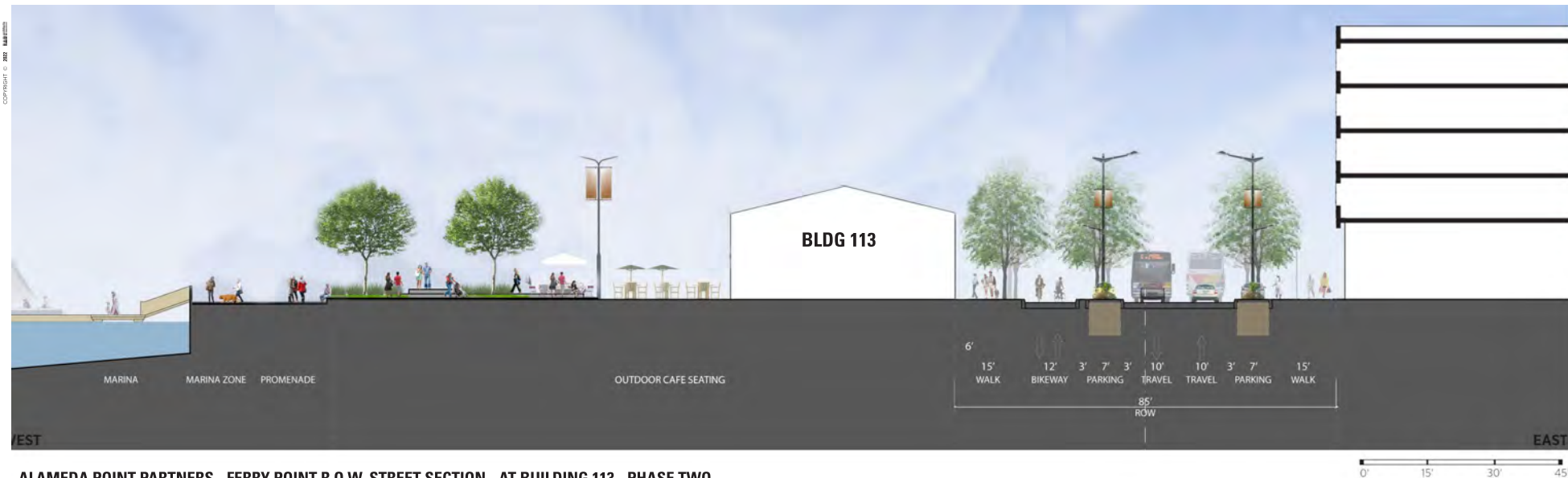
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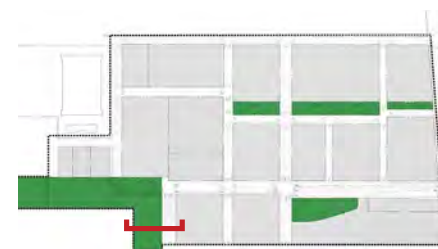
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ALAMEDA POINT PARTNERS - FERRY POINT R.O.W. STREET SECTION - AT BUILDING 113 - PHASE TWO



AERIAL VIEW OF PROMENADE BETWEEN BUILDING 113 AND SEAPLANE LAGOON



KEY PLAN

* SECTION ADAPTED FROM PRECISE PLAN DOCUMENTS
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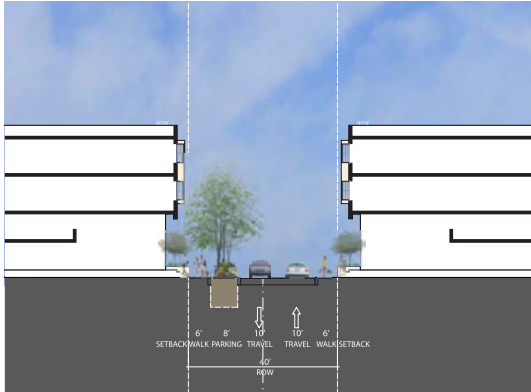
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A. ALLEY R.O.W. SECTION

*NOTE: WHERE ADJACENT BUILDING HEIGHT EXCEEDS 30' PROVIDE 13-FT TRAVEL LANES, STRIPPED AS 10-FT WITH 3-FT BUFFERS



B. ORION STREET (NORTH) R.O.W. SECTION

*NOTE: PROVIDE 13-FT TRAVEL LANES, STRIPPED AS 10-FT WITH 3-FT BUFFERS

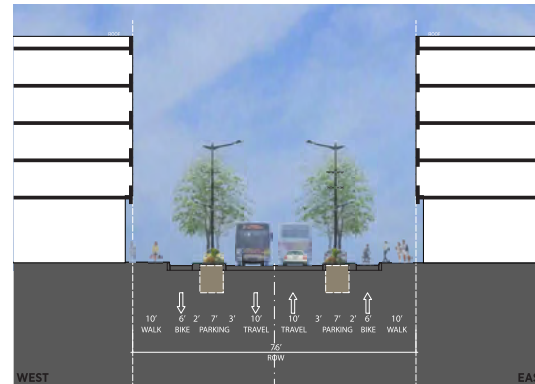


C. PAN AM WAY R.O.W. SECTION



D. TYPICAL LOCAL STREET R.O.W. SECTION

* CONSISTENT WITH TABLE ON PRECISE PLAN PAGE 67



E. ORION STREET (SOUTH) R.O.W. SECTION

*NOTE: PROVIDE 13-FT TRAVEL LANES, STRIPPED AS 10-FT WITH 3-FT BUFFERS



KEY PLAN

* SECTION FROM PRECISE PLAN DOCUMENTS
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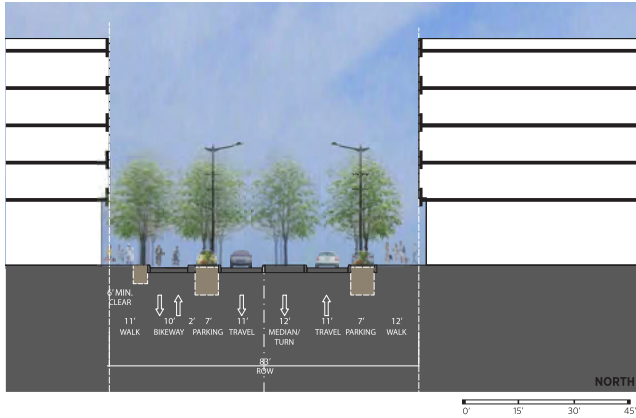
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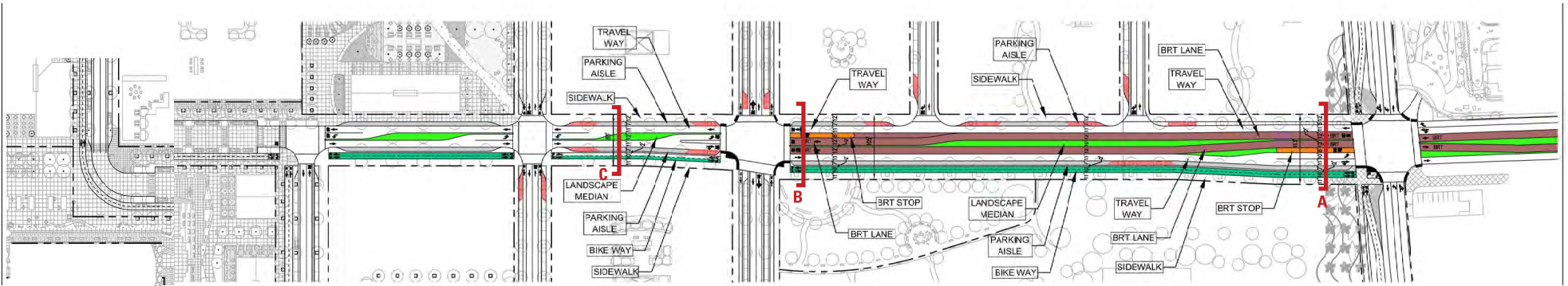
C. RALPH APPEZZATTO MEMORIAL PARKWAY - WEST 83' R.O.W. SECTION
SECTION FROM PRECISE PLAN DOCUMENTS



B. RALPH APPEZZATTO MEMORIAL PARKWAY - EAST 105' R.O.W. SECTION
SECTION REVISED FROM PRECISE PLAN DOCUMENTS



A. RALPH APPEZZATTO MEMORIAL PARKWAY
EAST 113' R.O.W. SECTION AT MAIN STREET
SECTION REVISED FROM PRECISE PLAN DOCUMENTS



NOTES

1. TRAFFIC ANALYSIS TO VERIFY INTERSECTION TRAFFIC STOP CONFIGURATIONS.
2. R.A.M.P. ALIGNMENT EAST OF MAIN STREET SHOWN DIAGRAMMATICALLY AND WILL REQUIRE ADDITIONAL CONSIDERATION

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R.A.M.P. PLAN & SECTIONS

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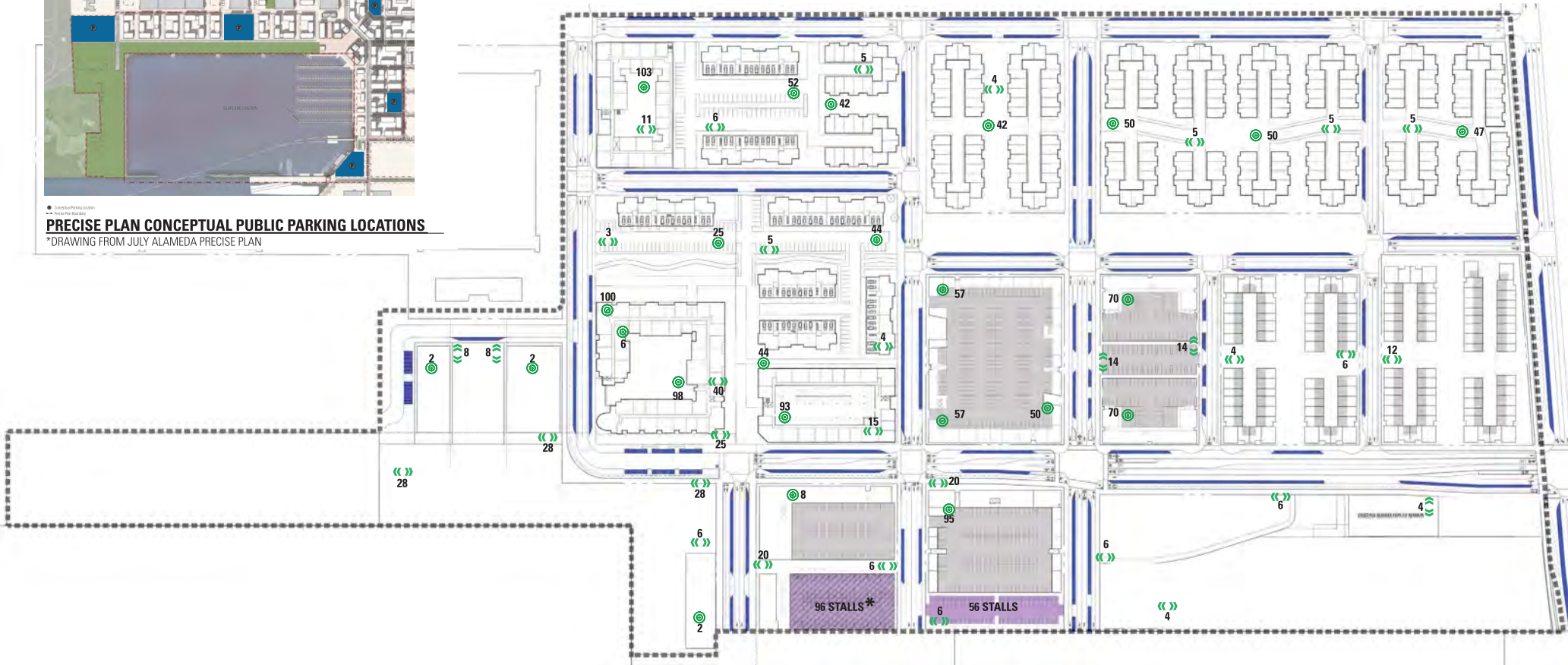
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PRECISE PLAN CONCEPTUAL PUBLIC PARKING LOCATIONS

*DRAWING FROM JULY ALAMEDA PRECISE PLAN



PRIVATE - RESIDENTIAL PARKING

PUBLIC - ON-STREET PARKING (+/-385 STALLS)

PUBLIC - RETAIL PARKING - LOCATION OF POSSIBLE FUTURE PARKING STRUCTURE - STALL COUNT PROVIDED ASSUMES SURFACE LOT ONLY

PUBLIC - SURFACE PARKING LOT - RETAIL (56 STALLS)

CODE REQUIRED "LONG TERM BIKE PARKING" WITH STALL COUNT

CODE REQUIRED "SHORT TERM BIKE PARKING" WITH STALL COUNT

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PUBLIC PARKING / BIKE PARKING PLAN

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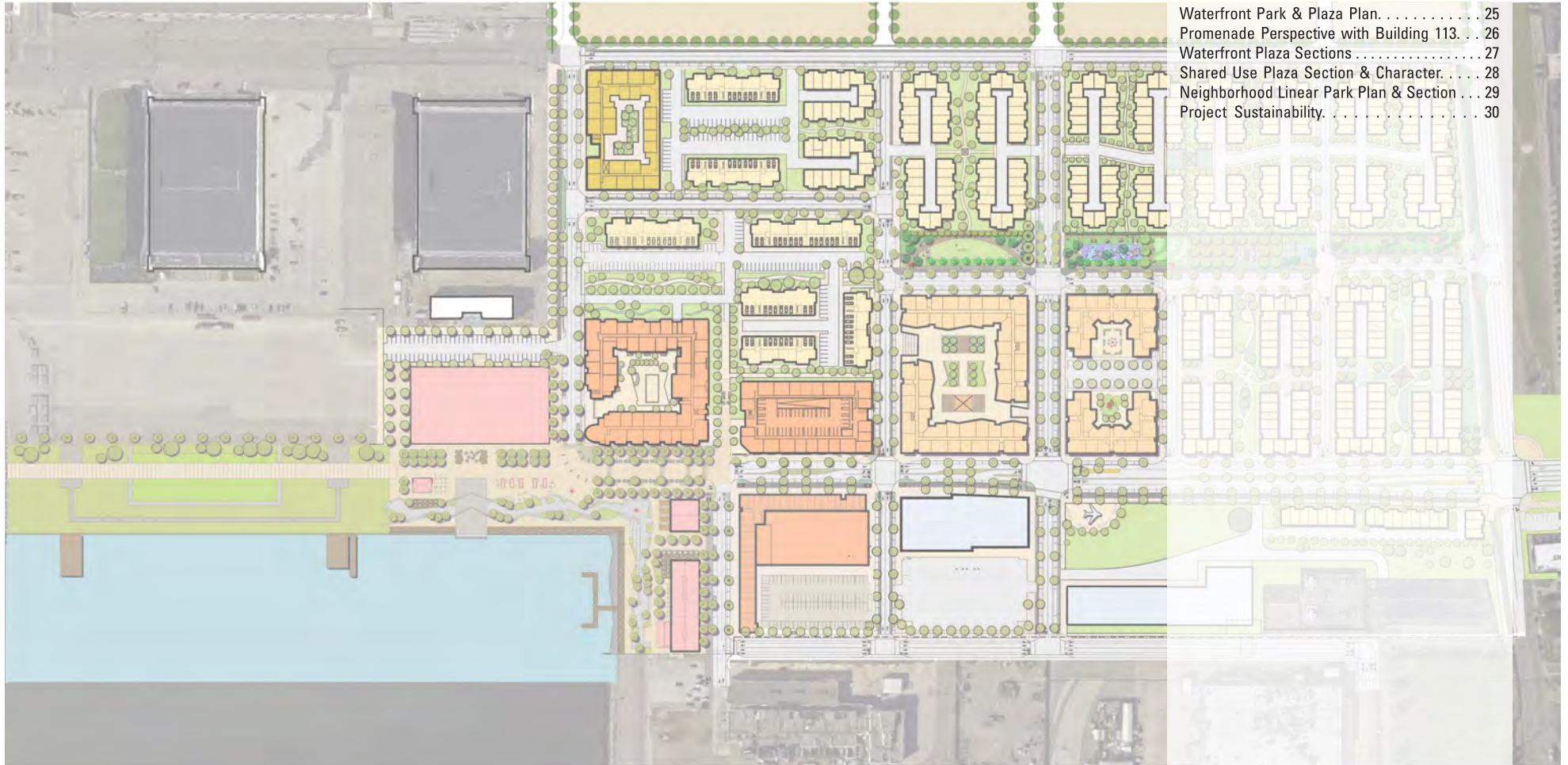
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OPEN SPACE

Waterfront Park & Plaza Plan.	25
Promenade Perspective with Building 113. . .	26
Waterfront Plaza Sections	27
Shared Use Plaza Section & Character.	28
Neighborhood Linear Park Plan & Section . . .	29
Project Sustainability.	30

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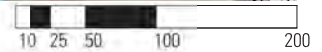
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- | | | |
|------------------------------------|--|---|
| A PARK PROMENADE | E RETAIL | M HISTORIC VIEW CORRIDOR AND WATER ACCESS |
| B HISTORIC SEAPLANE RAMPS | F WATERFRONT PROMENADE | N WATER FRONT VIEWING TERRACE |
| C POTENTIAL RECREATION AREA | G SCULPTURE (*) | O PROPOSED SMALL CRAFT RENTAL FACILITY |
| D WATERFRONT PLAZA | H FLOATING SMALL CRAFT/KAYAK LAUNCH | P RESIDENTIAL OVER GROUND FLOOR RETAIL & PARKING |
| | K SHARED USE PLAZA | |
| | L DROP OFF ZONE | |



*THIS SITE PLAN & BUILDING CONFIGURATIONS ARE ILLUSTRATIVE ONLY. ALL IMPROVEMENTS SUBJECT TO DESIGN REVIEW APPROVAL.

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WATERFRONT PARK & PLAZA PLAN

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EXISTING CONDITIONS - BUILDING 113

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PROMENADE PERSPECTIVE WITH BUILDING 113

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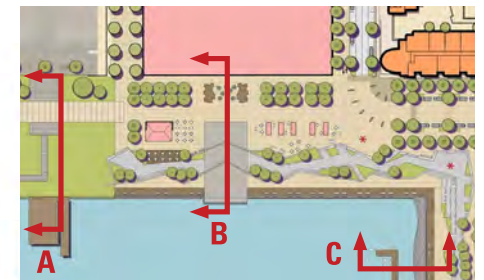
SECTION A AT WATERFRONT PARK



SECTION B AT WATERFRONT PLAZA



SECTION C AT WATERFRONT ACCESS



KEY PLAN

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WATERFRONT PLAZA SECTIONS

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SECTION AT SEA PLANE PLAZA AND RAMP



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SHARED USE PLAZA SECTION & CHARACTER

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C STREET	WEST BLOCK: ACTIVE RECREATION	ORION	CENTRAL BLOCK: FAMILY & COMMUNITY ACTIVITIES	B STREET	EAST BLOCK: LEISURE ZONE & ENTRY	MAIN STREET
	POSSIBLE PROGRAMS ELEMENTS INCLUDE:		POSSIBLE PROGRAMS ELEMENTS INCLUDE:		POSSIBLE PROGRAMS ELEMENTS INCLUDE:	
	<ul style="list-style-type: none"> • FITNESS STATION • HAMMOCKS • BASKETBALL COURT 		<ul style="list-style-type: none"> • DISCOVERY PLAY ZONE • BARBECUE SHELTER & PICNIC AREA • SITTING GARDEN WITH NATIVE PLANTS • OUTDOOR CLASSROOM & UTILITY SHEDS • COMMUNITY GARDEN 		<ul style="list-style-type: none"> • GAME TABLES (PING PONG/CHESS/ETC.) • BOCCIE COURT • ENTRY PLAZA • MOVEABLE FURNITURE • SHADE GROVE 	

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NEIGHBORHOOD LINEAR PARK PLAN & SECTION

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ALAMEDA POINT SITE A – SUSTAINABLE DESIGN:

THE FOLLOWING PROJECT FEATURES ARE DESIGNED TO REDUCE GREENHOUSE GAS EMISSIONS AND COMBAT CLIMATE CHANGE:

- MIXED USE DEVELOPMENT ENCOURAGES ALTERNATIVE TRANSPORTATION USAGE;
- SITE PLANNING MAXIMIZES PUBLIC OPEN SPACE, INCREASING PERVIOUS SITE AREAS WHICH LEADS TO A REDUCTION IN STORM-WATER RUNOFF AND THE URBAN HEAT ISLAND EFFECT;
- ON-SITE TRANSPORTATION SERVICES, REDUCED PARKING, ON-SITE BICYCLE SERVICES (E.G., THE ON-SITE "BICYCLE KITCHEN" FOR BICYCLE MAINTENANCE), AND ON-SITE CAR SHARE SERVICES REDUCE GREENHOUSE GAS EMISSIONS FROM AUTOMOBILES;
- INTEGRATED DESIGN PROCESS THAT ANALYZES AND APPLIES TECHNOLOGIES TO REDUCE GREENHOUSE GASES;
- BUILDING DESIGN CONSISTENT WITH A LEED SILVER DESIGNATION OR ITS EQUIVALENT REDUCES GREENHOUSE GAS EMISSIONS FROM BUILDING HEATING, COOLING, AND OPERATIONS;
- BAY FRIENDLY LANDSCAPE MATERIALS THAT REDUCE GREENHOUSE GAS EMISSION FROM LANDSCAPE MAINTENANCE AND REDUCED WATER USE;
- ELECTRIC VEHICLE CHARGING STATIONS IN PARKING FACILITIES PROMOTE A REDUCTION IN AUTOMOBILE EMISSIONS.



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PROJECT SUSTAINABILITY

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EXHIBIT 3

Exhibit C to the Development Agreement
Infrastructure Package

**ALAMEDA POINT SITE A
INFRASTRUCTURE PLAN**

ALAMEDA POINT SITE A INFRASTRUCTURE PACKAGE

EXHIBIT 1: SITE A – DEMOLITION BY PHASE

EXHIBIT 2: CONCEPTUAL GRADING, SEA LEVEL RISE & SHORELINE PROTECTION
STRATEGY

EXHIBIT 3: ALAMEDA POINT – BACKBONE ROADWAY INFRASTRUCTURE PHASING

EXHIBIT 4: SITE A – PHASING

EXHIBIT 5: ALAMEDA POINT – UTILITY PHASING (GAS)

EXHIBIT 6: ALAMEDA POINT – UTILITY PHASING (ELECTRICAL DISTRIBUTION)

EXHIBIT 7: ALAMEDA POINT – UTILITY PHASING (WATER)

EXHIBIT 8: ALAMEDA POINT – UTILITY PHASING (RECYCLED WATER)

EXHIBIT 9: ALAMEDA POINT – UTILITY PHASING (STORM DRAIN)

EXHIBIT 10: ALAMEDA POINT – UTILITY PHASING (SANITARY SEWER)

EXHIBIT 11: ALAMEDA POINT – UTILITY PHASING (TEL/DATA)

EXHIBIT 12: SITE A – PARK & OPEN SPACE PHASING

Proposed infrastructure improvements would be consistent with the MIP¹ for the development of Site A. The proposed infrastructure improvements are generally described below. In addition, see the attached illustrative figures that depict the proposed infrastructure improvements. The descriptions and figures are preliminary and subject to change through the Tentative Map process and once detailed designs are completed.

In addition to the proposed improvements described below, the necessary improvements would be installed to maintain access and utility service to the existing tenants and areas within Alameda Point until the development of Site A is complete consistent with the MIP.

Streetscape, Circulation, and Parking

Site A would be developed with a “complete streets” transportation network that would support a variety of modes of transportation, and would provide pedestrian, bicycle, and transit facilities. New roadways would be constructed, and existing roadways would be re-aligned, resulting in a grid street network on the site. West Atlantic Avenue would be realigned from west of Main Street. West Atlantic would serve as a gateway to Site A. The project frontage along Main Street would be landscaped, and the portion of the Bay Trail along Main Street from West Atlantic to West Tower Avenue would be constructed. Intersection improvements would be made at West Atlantic and Main Street to improve signalization, and vehicular, pedestrian, and bicycle circulation.

The street system would include regional arterials, such as Main Street and West Atlantic; collector streets, such as Pan Am Way; and a network of local streets with connecting alleys. Sidewalks would be constructed along streets, with widths varying between 6 and 15 feet, based on street right-of-way sections. In addition, bicycle facilities—including separated bicycle paths, shared pedestrian and bicycle paths, and bicycle lanes with painted buffer strips—would be constructed throughout the site. A dedicated bus rapid transit lane would be constructed along a portion of the West Atlantic extension.

Transportation Demand Management Measures

Site A would implement capital facilities in support of the Site A Transportation Demand Management (TDM) Strategy consistent with the Alameda Point TDM Plan. These capital facilities will include construction of surface parking lots within Site A consistent with the Development Plan, installation of parking meters within Site A, a bike share station and loaner bikes, among other facilities necessary to implement the TDM Compliance Strategy.

Utilities and Site Improvements

The MIP describes the planned backbone infrastructure, anticipated to consist of new infrastructure installed to support the uses in Site A. The backbone infrastructure is the major framework of streets and utilities, generally based on the existing street grid within Site A.

The MIP outlines potential corrective geotechnical and flood protection improvement measures. In addition, the proposed utility systems described in the MIP include stormwater, wastewater, potable water, recycled water, electrical, natural gas, and telecommunication systems. Each of these systems is anticipated to connect to existing reliable public facilities at the perimeter of Site A. The proposed electrical system would connect to the existing Cartwright Substation, which is in Site A near the intersection of West Atlantic Avenue and Main Street.

¹ Carlson, Barbee, Gibson, Inc., 2014. Master Infrastructure Plan, Alameda Point, Alameda, California. March 31.

Flood Protection, Sea-Level Rise Strategy, Soil Improvements, and Site Grading. Consistent with the EIR and MIP evaluated therein, the proposed project would construct flooding and sea-level rise protection. Perimeter flood protection measures would be constructed for integration with the sea-level rise adaptive management strategy for Alameda Point. Along the northern and eastern perimeter of the Seaplane Lagoon, shoreline flood protection improvements would be installed to a minimum elevation of 7.6 feet (City Datum) along Site A, based on the MIP design criteria 100-year tide, plus 24-inch sea-level rise, plus 1-foot wind/wave run-up, plus 1-foot freeboard. The existing seawall along the northern perimeter of the Seaplane Lagoon would be retrofitted along Site A. Geotechnical corrective measures to address liquefaction potential and stabilize the building sites may include soil improvement techniques such as soil-cement mixed columns, drilled displacement columns, stiffened foundations, and/or piles. In addition, the site would be graded to achieve the minimum required elevations per the MIP. Portions of the site would be raised up to 3 feet above the existing ground level. Refer to Exhibit 2.

Natural Gas. A new natural-gas-distribution system would be installed throughout Site A, replacing the existing natural gas system in phases consistent with the development build-out. This system would connect to the existing 8-inch main near the intersection of West Atlantic Avenue and Main Street. The proposed gas facilities would be constructed in the backbone streets in a phased implementation. The new natural gas distribution system would be designed and constructed in accordance with Pacific Gas and Electric's regulations, standards, and specifications. Refer to Exhibit 5 for utility phasing.

Electricity. The existing overhead transmission lines in Site A would be replaced with a new underground electric distribution system from the Cartwright Substation, in phases consistent with the development build-out, refer to Exhibit 6. The proposed electric distribution system would consist of new underground conduits, vaults, boxes, and pads that can accommodate 15-kV-rated cables, transformers, switches, and other utility distribution equipment, including its supervisory control and data acquisition communication monitoring and controls. The electrical conduits and cables would be placed in a joint utility trench along the backbone streets. This trench would also accommodate the natural gas, telephone, cable television, possible ancillary fiber optic cable systems, and streetlight facilities. The new underground electric distribution system and joint utility trench would be designed and constructed in accordance with Alameda Municipal Power's regulations, standards, and specifications.

Potable Water Improvements. The existing water system would be replaced with a new potable water distribution system in phases consistent with the development build-out. The proposed distribution pipelines would connect to the existing East Bay Municipal Utility District (EBMUD) water facilities in Main Street. The proposed distribution system would range in size from 8 inches to potentially 16 inches in diameter. The proposed water distribution facilities would be installed in the backbone streets, providing potable and fire water to the proposed project refer to Exhibit 7 for project phasing.

Recycled Water. A network of recycled water pipelines is anticipated to be constructed in the proposed rights-of-way of major backbone streets and would range in size from 6 to 12 inches to serve the open space and public landscaping. The recycled water facilities would be designed and constructed in accordance with EBMUD's regulations, standards, and specifications, should provisions for a permanent source be available. Should a permanent source not be available, the project will provide corridors for future installation by EBMUD or a recycled water purveyor. Recycled water lines will be phased in accordance with Exhibit 8.

Stormwater. A new stormwater collection system would be constructed, consisting of pipelines, manholes, inlets, pump stations, trash capture devices, and outfalls. The new stormwater system would be designed to convey the 25-year design storm with 6 inches of minimum freeboard. Additionally, the system would accommodate the 100-year storm, with a maximum ponding in the streets of up to the top of curb at low points in the street profiles. A new stormwater outfall would replace an existing outfall toward the

northeastern edge of the Seaplane Lagoon. This new outfall would convey stormwater runoff from Site A into the Bay, and would include tide valves to prevent tidal influences in the system as well as a trash capture device to prevent the discharge of trash to the Bay. Due to high groundwater table, and the limited potential for collecting and reusing stormwater, the proposed project would implement low-impact development principles for the management and treatment of stormwater runoff. Although much of the system would be gravity-based, pumping may be necessary to convey treated flows to bioretention areas. The stormwater system will be phased in accordance with Exhibit 9.

Wastewater. The proposed project would replace the existing wastewater system with a new wastewater collection system that would be owned and operated by the City of Alameda. The proposed collection system would include gravity pipelines ranging in size from 8 inches to 24 inches in diameter, and lift/pump station(s) and force main pipelines. The proposed wastewater collection facilities would be installed in the backbone streets in Site A and extending to connect to EBMUD's existing Pump Station R at the Main Gate. Pump Station R conveys wastewater flows to the EBMUD treatment plant in Oakland. The sanitary sewer waste water system will be phased in accordance with Exhibit 10.

New Telecommunications Systems. New telecommunications systems, including telephone and cable television, would be installed. Additional empty conduits would be installed to accommodate the implementation of fiber optics by other service providers. These systems would connect to the existing systems east of Site A, near Main Street. The proposed telecommunication facilities would be constructed in the backbone streets in accordance with Exhibit 11.

Parks and Open Space

Site A would be developed with two distinct park-themed areas or districts; each district would have a unique character and programming intended to create accessible and walkable community open space, as described below. A portion of the Bay Trail would be constructed along the northeastern edge of the Seaplane Lagoon, along the southern edge of West Atlantic to Main Street, and along the Site A frontage on Main Street, generally from West Atlantic north to West Tower Avenue. The parks and open space would be constructed in accordance with Exhibit 12 and as further described below.

In addition to the public open spaces/parks described below, private open space would be developed for the residential uses.

The Waterfront Park District would include an approximately 7.23-acre park along the shoreline of the Seaplane Lagoon. Amenities would be designed for water-oriented activities and views, and would include pedestrian walks, bicycle paths, vista points, seat/rest areas, flexible plaza space for events, and access to the water.

The Neighborhood Park District would provide an approximately 1.15-acre park along West Atlantic, the main entry road, which would retain the existing Corsair II aircraft display and existing Cypress tree along the southern edge of West Atlantic. In addition, an approximately 1.35-acre linear neighborhood park would be constructed along Coronado Avenue. Amenities would include areas for informal picnicking, seating, bicycle paths, and areas for active uses such as a crossfit station and a tot-lot area.

1.1 Phasing and Construction

Site A would be constructed in three phases, with demolition, grading and flood protection improvements preceding each phase, and utility and street infrastructure constructed prior to completion of vertical construction for each phase. Refer to Exhibit 1 for the conceptual demolition phasing, Exhibit 2 for conceptual grading, sea-level rise and shoreline protection strategy phasing, and Exhibit 3 for roadway phasing. Temporary improvements would be installed as needed to connect to adjacent facilities and roadways to provide access and utilities to the existing tenants within Alameda Point until future development occurs.

The proposed project infrastructure improvements would be phased to accommodate the scheduled build-out of the residential, retail, commercial, parks, and open space planned for each phase of development, refer to Exhibit 4. All below-grade utility and street surface improvements that are necessary to comply with the local, state, and federal requirements and applicable law would be completed to deliver a fully functional phase. The phasing of the infrastructure improvements may vary depending on final build-out mix and need. All local in-tract streets (streets within the parcels) necessary to provide access and utility connections would be constructed in the appropriate phase. Refer to Exhibits 5 through 11 for the specific utility Phasing. Each phase would also require interim connections and transitions from the permanent improvements to the existing utilities and roadway sections.

Phase 1

Phase 1 would generally involve the construction of buildings, parks, streets, and utilities between Main Street on the east and Pan Am Way on the west, and between Coronado Avenue on the north and West Atlantic on the south. In addition, existing buildings outside of Phase 1—such as Building 113 and Building 162—may be occupied with uses consistent with the Town Center Plan during any phase.

Installation of underground utilities and surface street improvements would occur at the intersection of Main Street and West Atlantic, and extend toward the western connection at Pan Am Way. Phase 1 street improvements would include construction of West Atlantic, Skylark Street, Corsair Street, and the eastern portion of Coronado Avenue between Main Street and Ardent Way, as well as Orion Street and Ardent Way from West Atlantic to slightly north of Coronado Avenue, and Pan Am Way in front of Parcel 11.

Phase 1 would include the installation of the proposed wastewater system extending to EBMUD's existing Pump Station R located near the Main Gate.

Phase 1 would also include flood protection improvements within and improvements to the waterfront park and shore edge along the Seaplane Lagoon, from the northeastern corner to approximately 500 lineal feet to the west. The approximately 1.35-acre linear neighborhood park along Coronado Avenue would be constructed during this phase.

Interim improvements would be built with Phase 1 to conform to existing conditions, including intersection improvements and traffic signal modifications at the Main Street/West Atlantic intersection, a driveway to connect Coronado Avenue to Main Street, and a new sidewalk and landscaping to the existing back of curb along Main Street.

Phase 2

Phase 2 would involve the construction of buildings, parks, streets, and utilities generally north of Coronado Avenue, and generally from Main Street to Pan Am Way. Phase 2 would also include the extension of Orion Street and Pan Am Way improvements north to West Tower Avenue, the extension of Ardent Way between Coronado Avenue and West Tower Avenue and the western portion of Coronado Avenue

north of Blocks 10 and 11. Main Street frontage improvements, including landscaped parkways and Bay Trail improvements adjacent to the Phase 1 and Phase 2 areas described above, would be constructed during Phase 2. Flood protection and park improvements would be installed along the western edge of Site A on Parcel 19 just north of the Seaplane Lagoon.

Phase 3

Phase 3 would involve the construction of buildings, parks, streets, and utilities south of West Atlantic, between Main Street on the east and the Seaplane Lagoon on the west, as well as between Pan Am Way and Firebirds Street. Installation of underground utilities and street surface improvements would include the southern portions of Orion Street and Ardent Way, and Ferry Point Way from West Atlantic to the southern edge of Site A; Marilyn York Way from Pan Am Way to the west; and Firebirds Street. Main Street frontage improvements adjacent to the Phase 3 areas, would be constructed during Phase 3.

Phase 3 would also include construction of the flood protection improvements and waterfront park along the eastern edge of the Seaplane Lagoon, from West Atlantic to the south of Site A, covering approximately 275 lineal feet; as well as construction of the approximately 0.54-acre park on Parcel 12. In addition, the approximately 1.15-acre neighborhood park space along West Atlantic would be constructed during this phase.

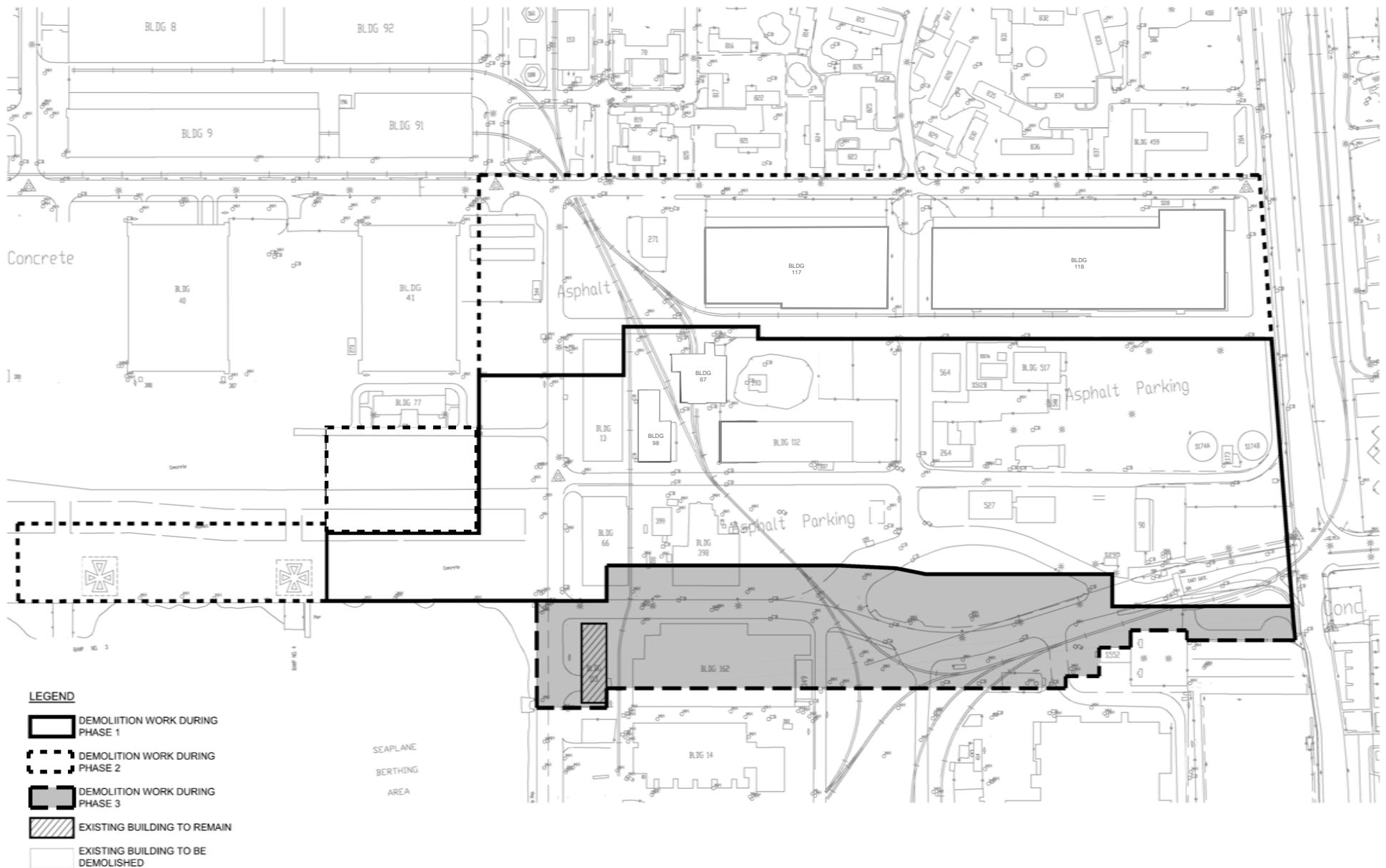
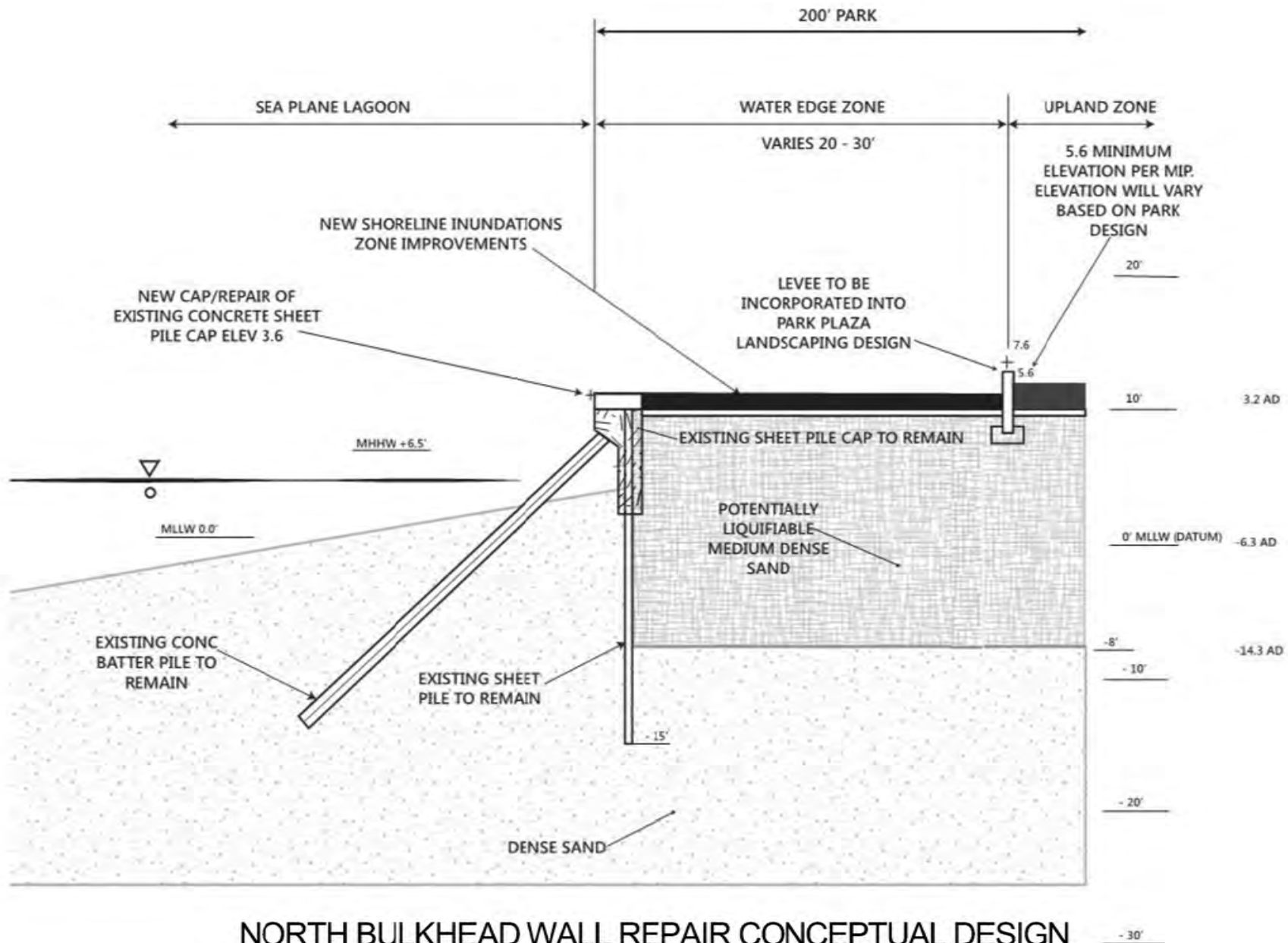


EXHIBIT 1

SITE A - DEMOLITION BY PHASE

8/17/2022

NOT TO SCALE
EXHIBIT 1.pdf



NORTH BULKHEAD WALL REPAIR CONCEPTUAL DESIGN

EXHIBIT 2

CONCEPTUAL GRADING, SEA LEVEL RISE & SHORELINE PROTECTION STRATEGY

8/17/2022

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EXHIBIT 2.pdf

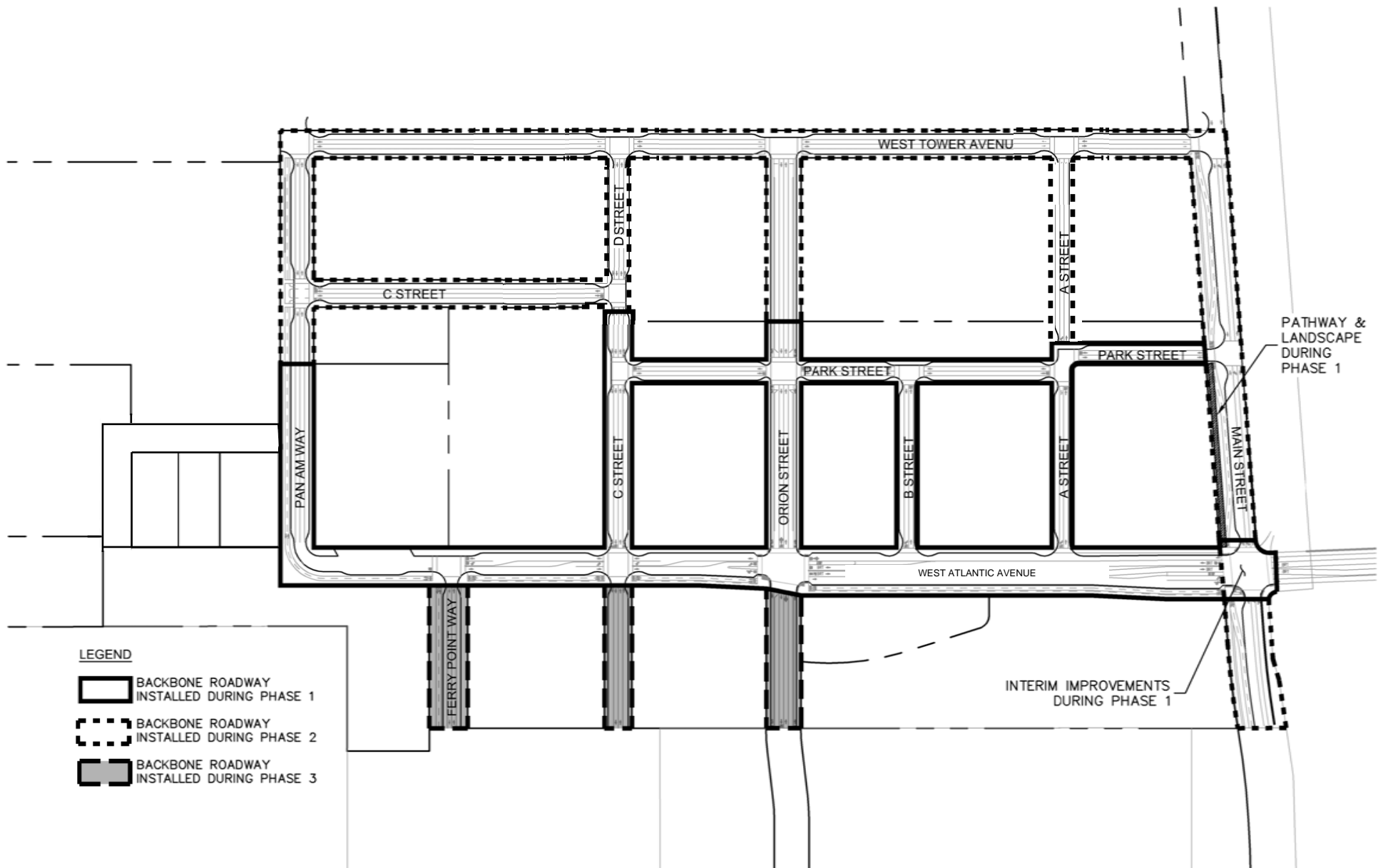


EXHIBIT 3

ALAMEDA POINT - BACKBONE ROADWAY INFRASTRUCTURE PHASING

8/19/2022

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EXHIBIT 3.pdf

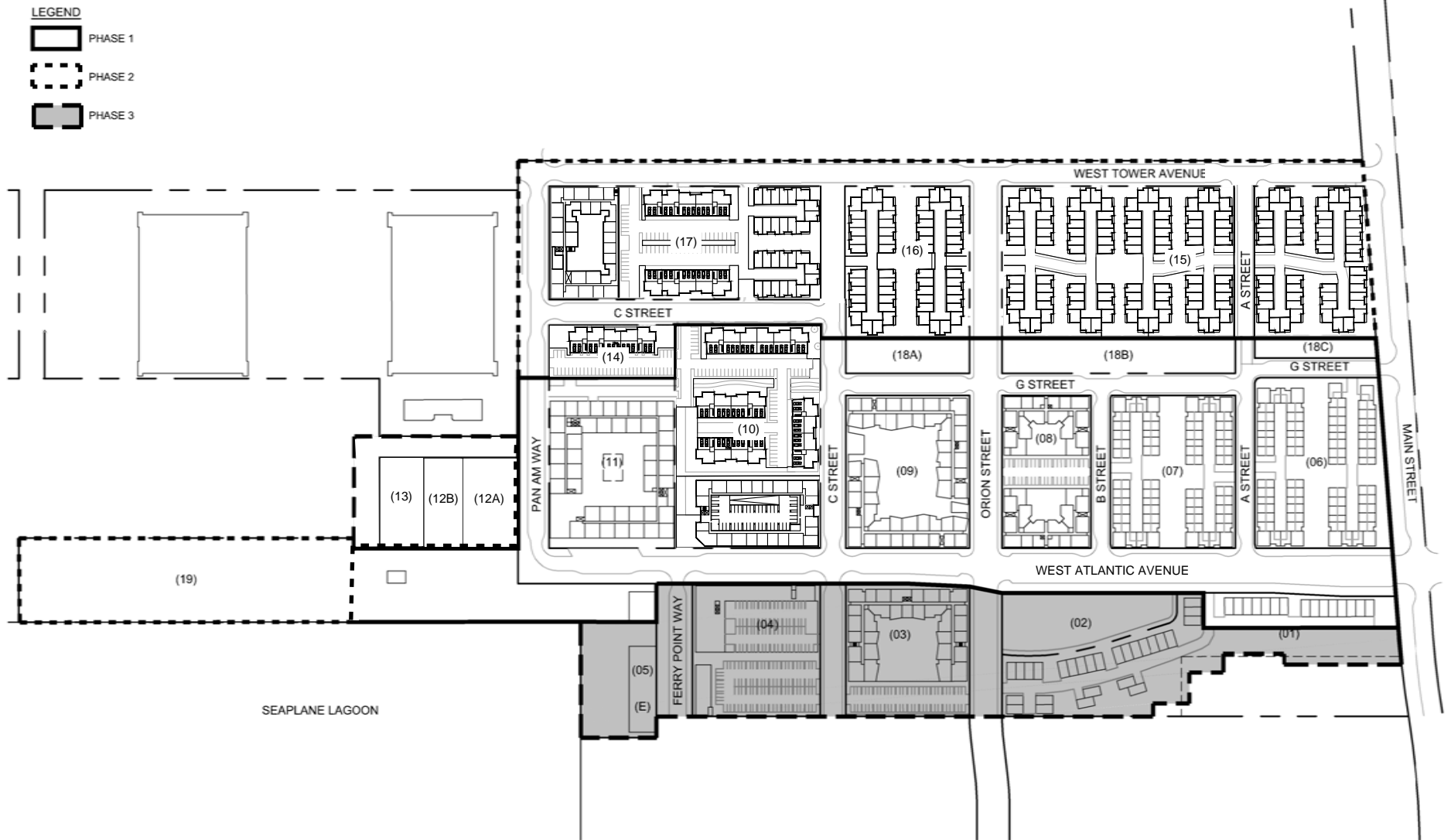
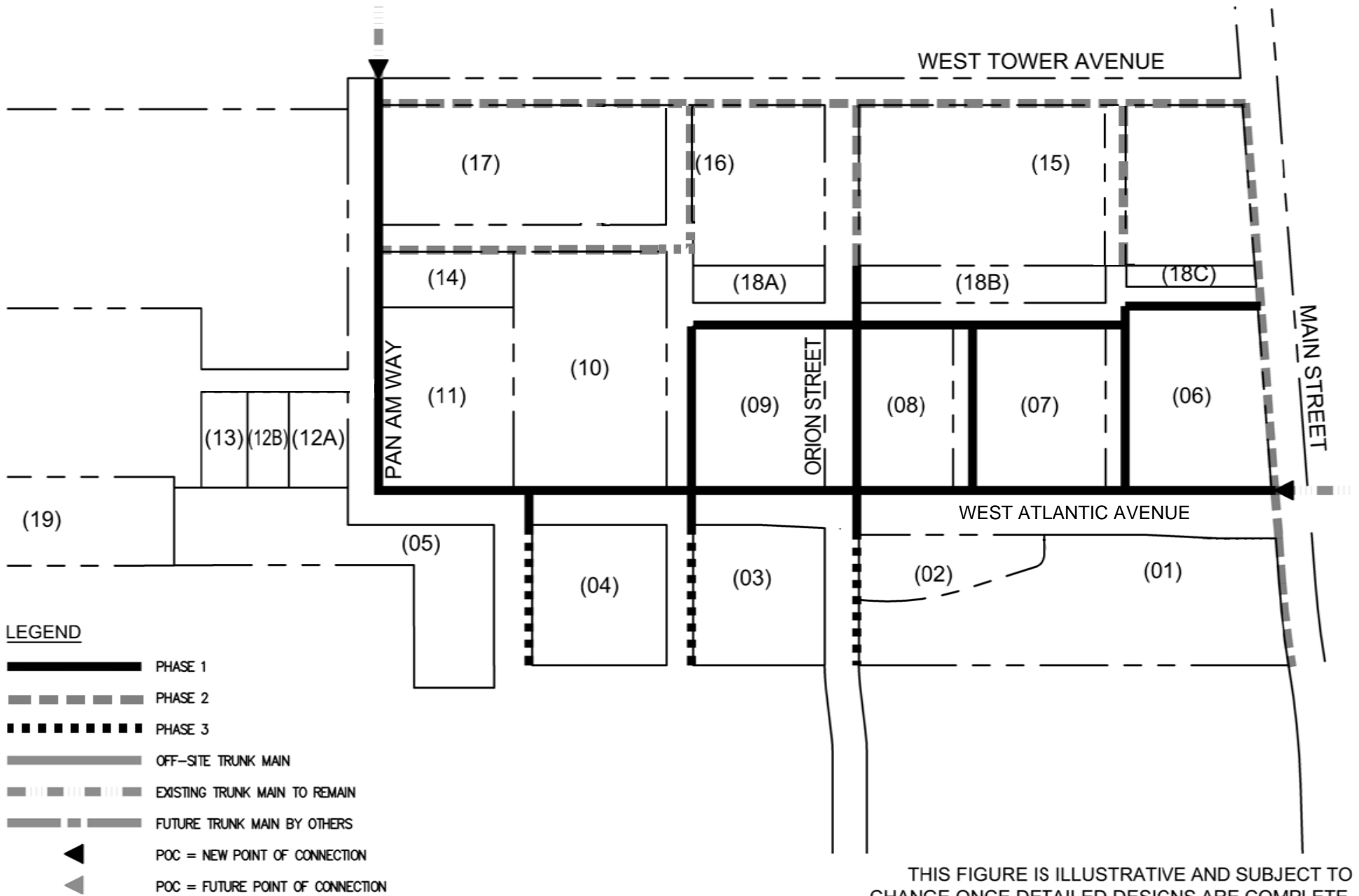


EXHIBIT 4

SITE A - PHASING

8/19/2022

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EXHIBIT 4.pdf



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EXHIBIT 5 **ALAMEDA POINT - UTILITY PHASING (GAS)**

8/19/2022

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EXHIBIT 5-11.pdf

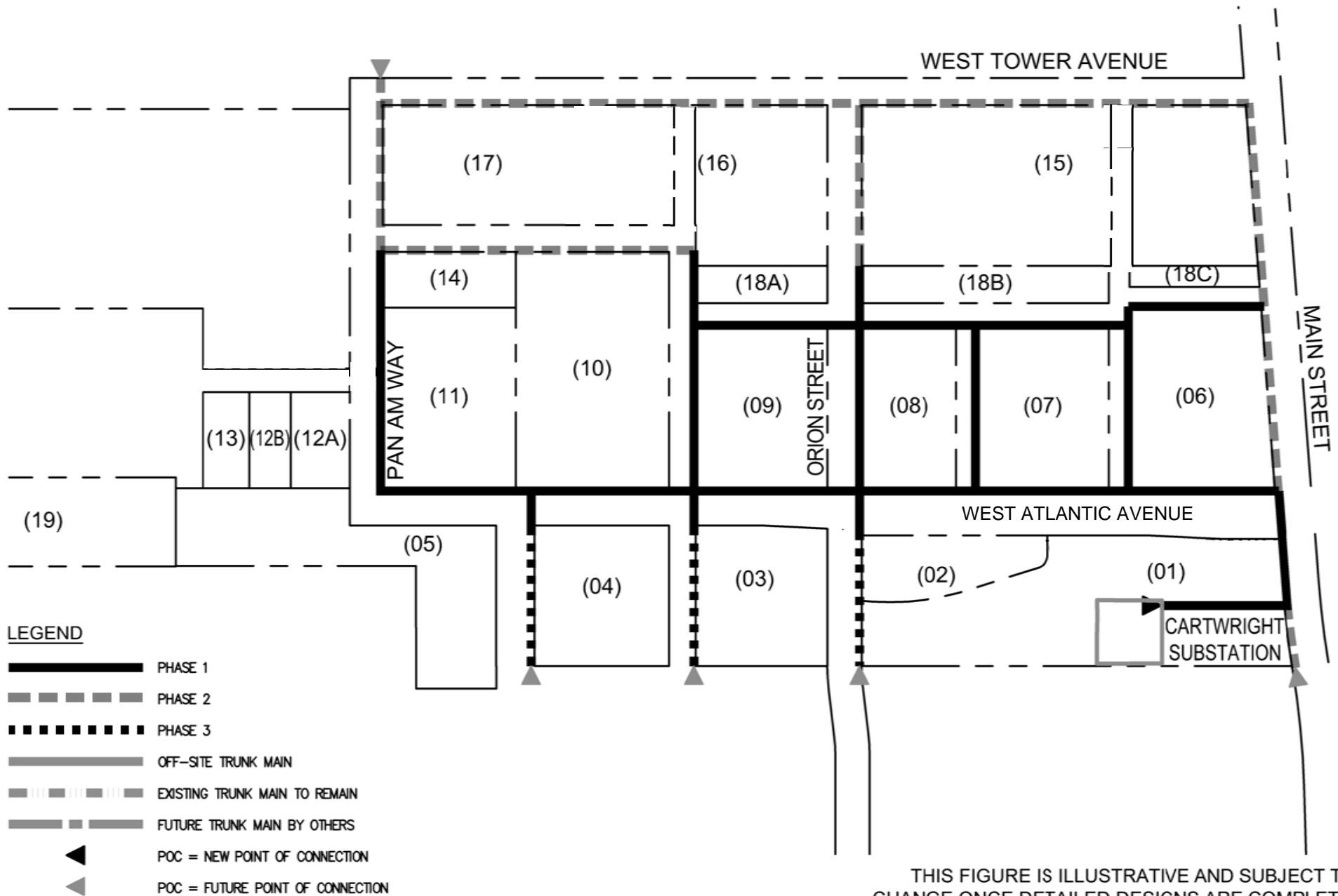


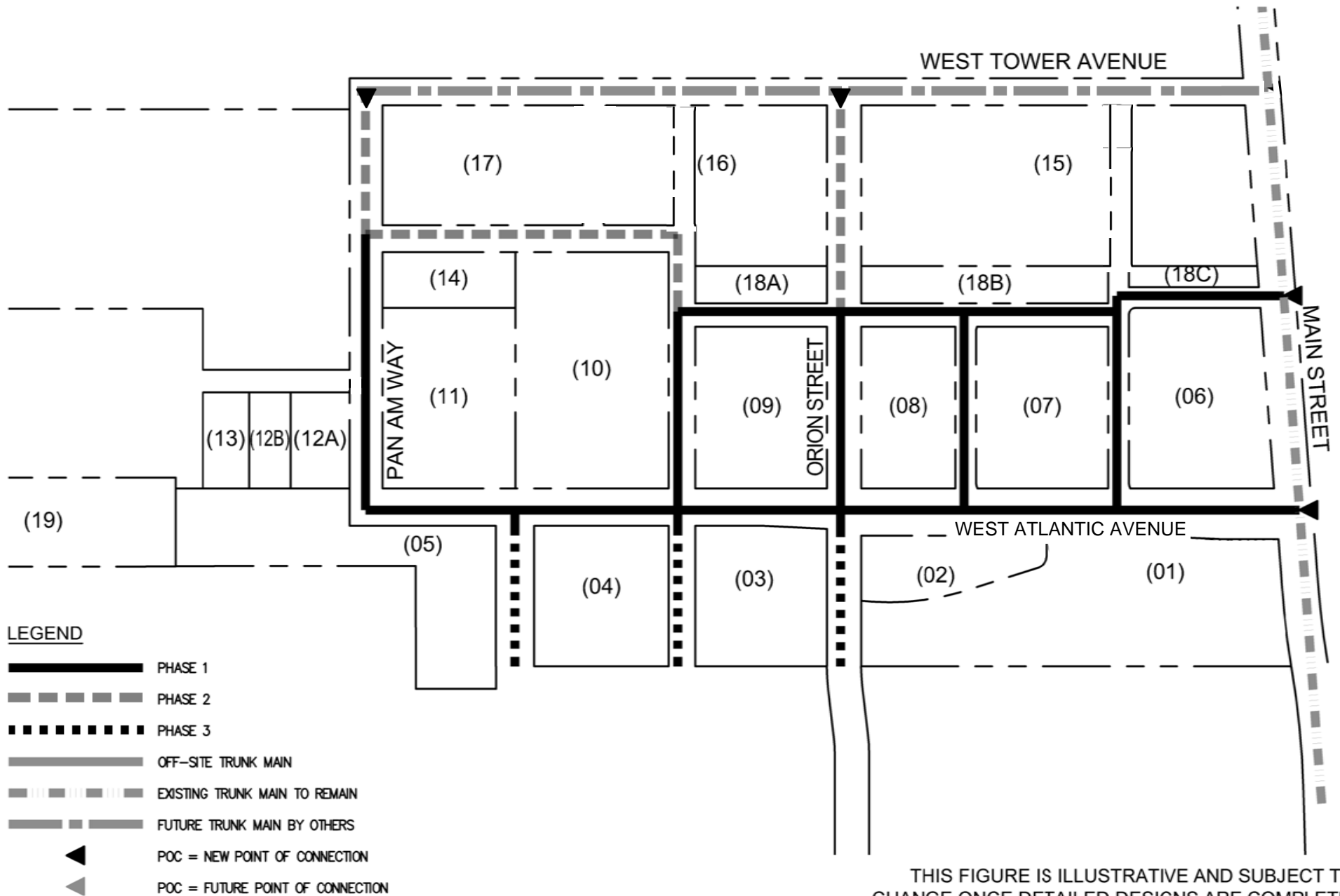
EXHIBIT 6

ALAMEDA POINT - UTILITY PHASING (ELECTRICAL DISTRIBUTION)

8/19/2022

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EXHIBIT 7

ALAMEDA POINT - UTILITY PHASING (WATER)

8/19/2022

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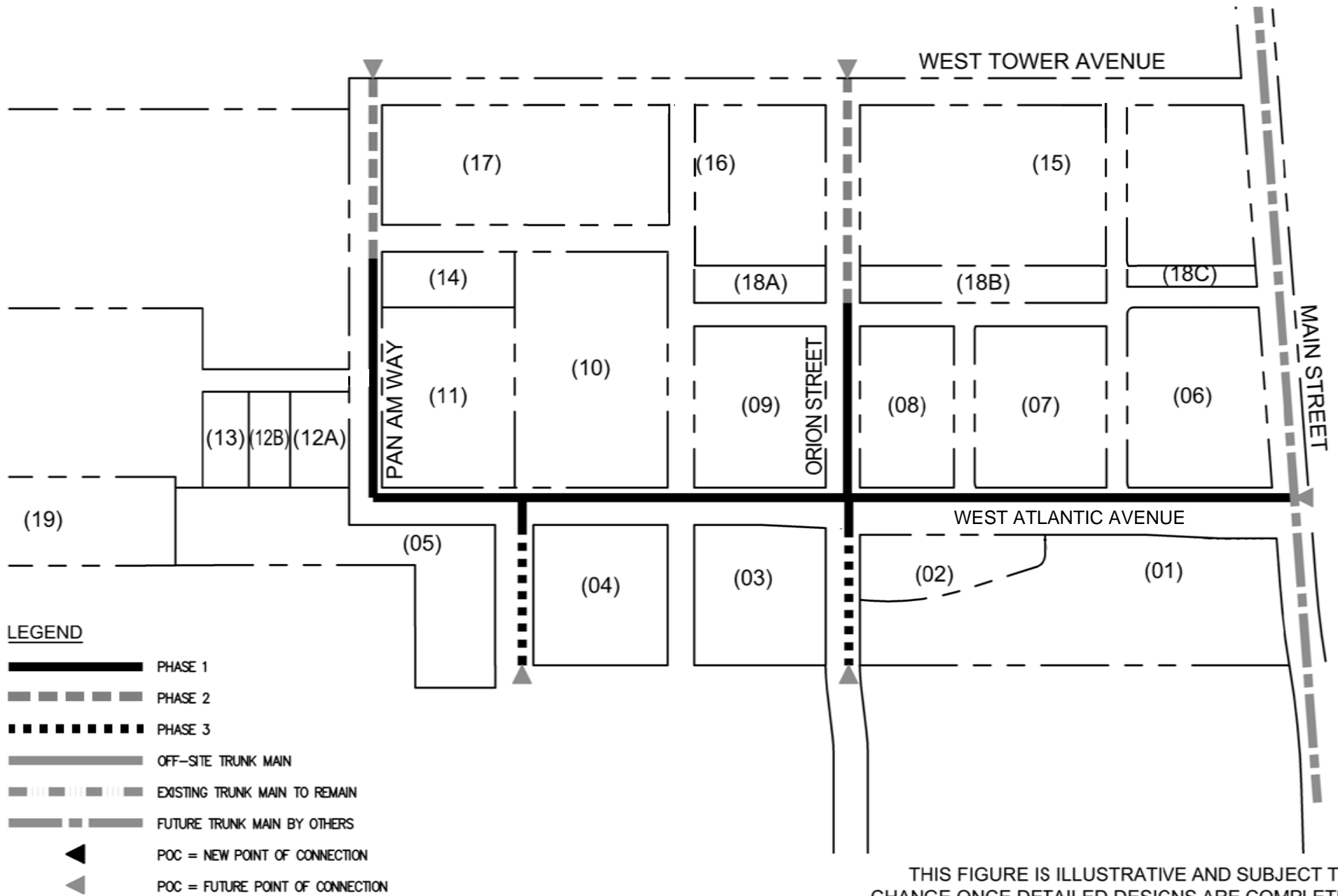
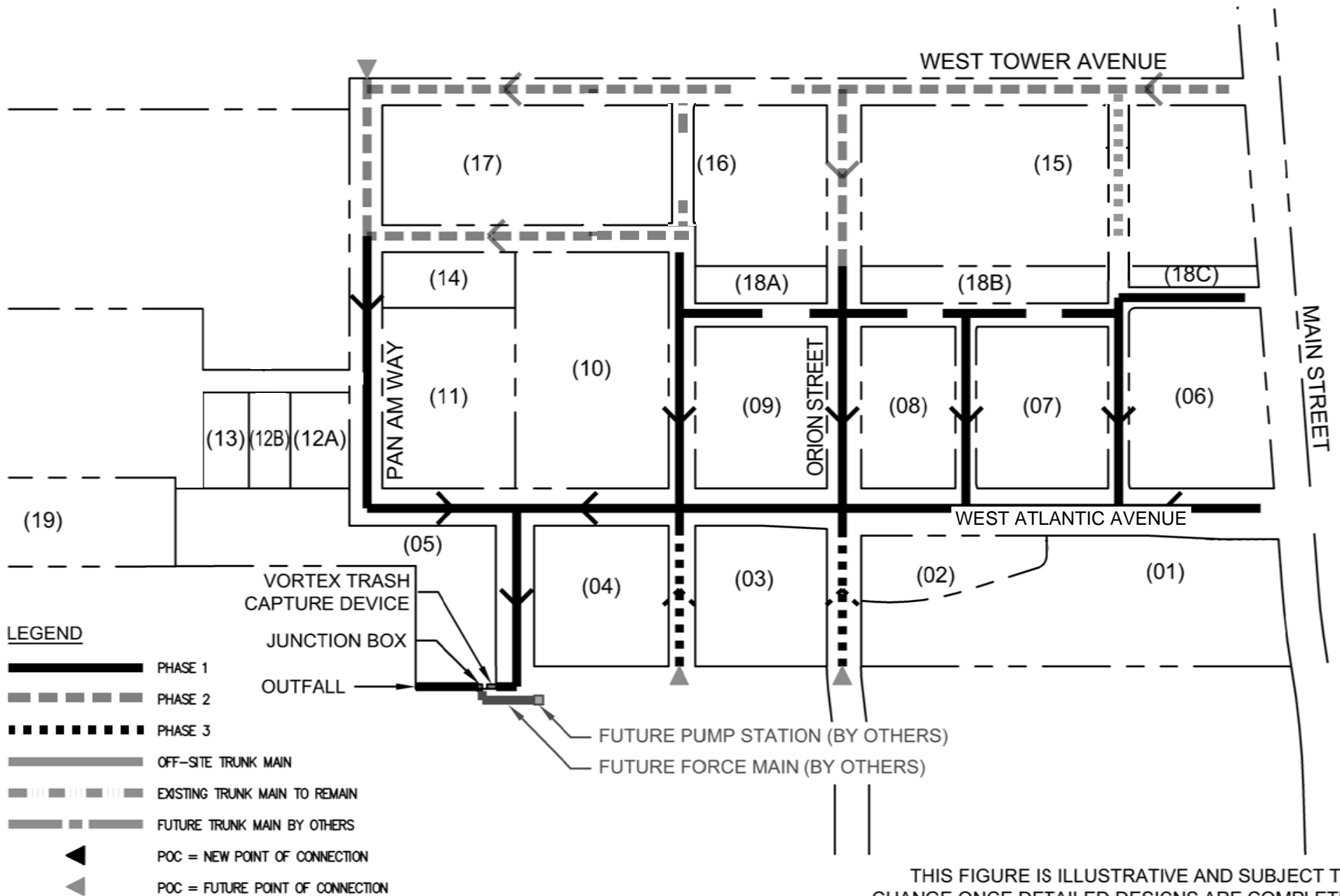


EXHIBIT 8

ALAMEDA POINT - UTILITY PHASING (RECYCLED WATER)

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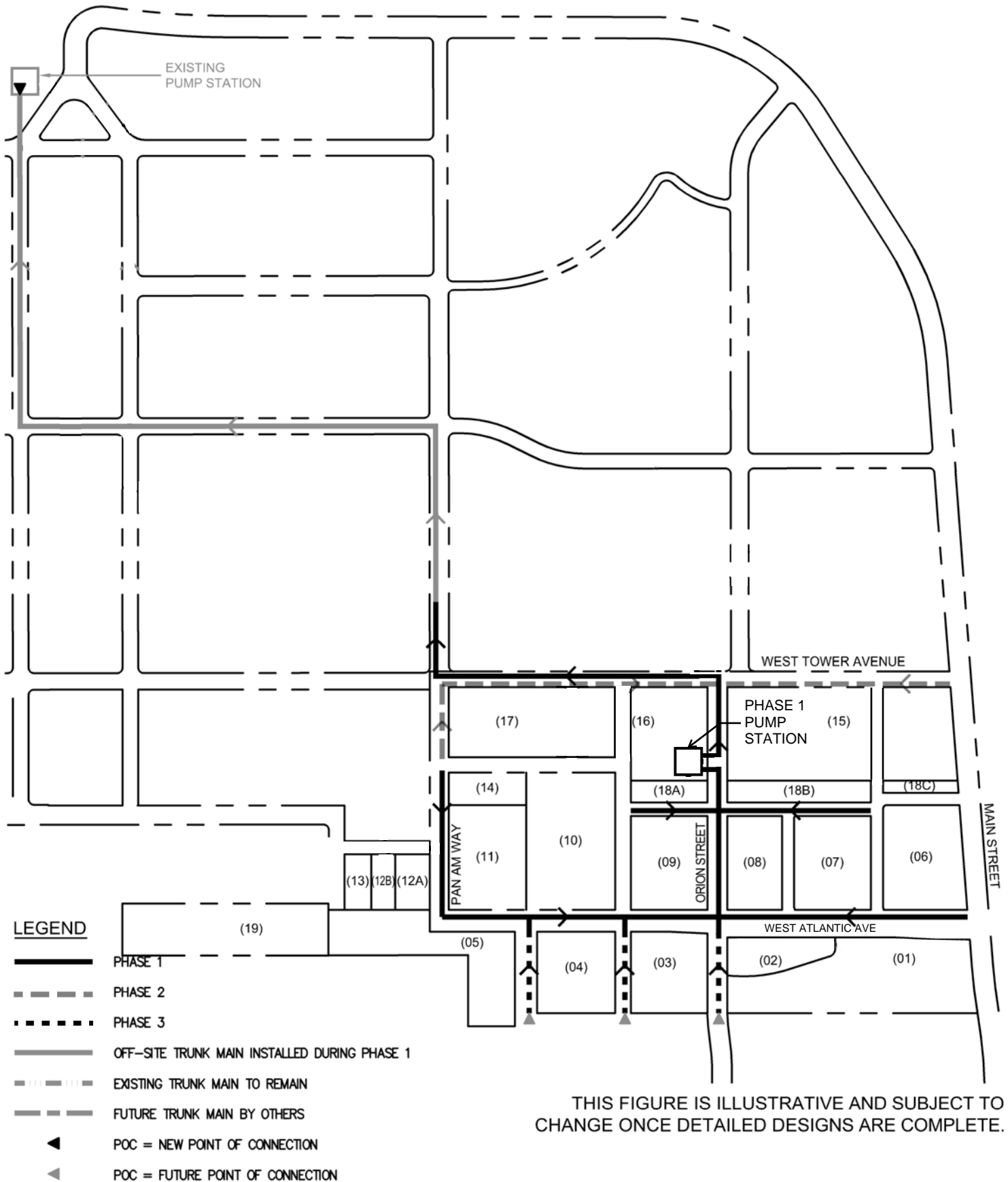


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EXHIBIT 9 ALAMEDA POINT - UTILITY PHASING (STORM DRAIN)

8/19/2022

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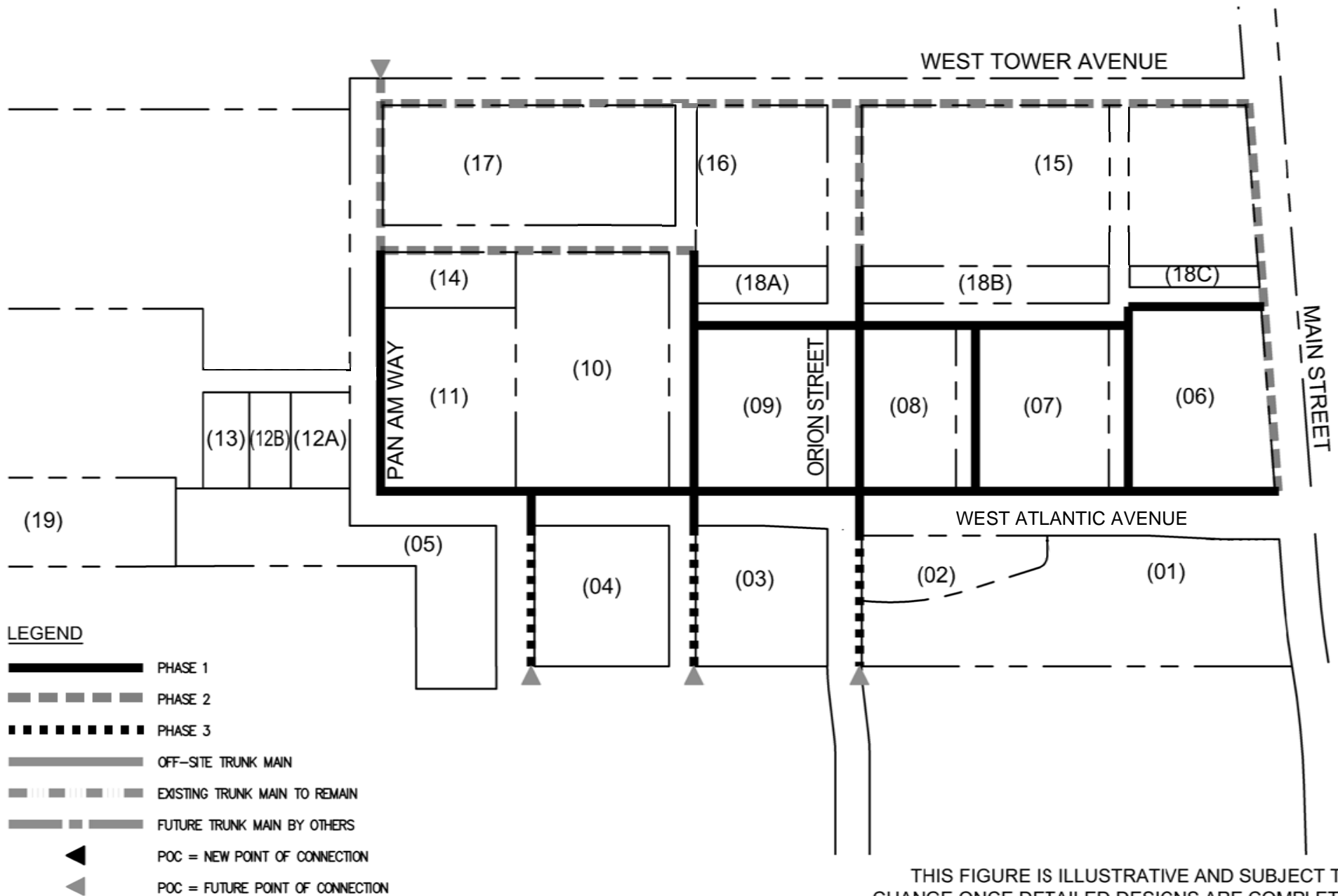
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EXHIBIT 10

ALAMEDA POINT - UTILITY PHASING (SANITARY SEWER)

8/19/2022

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EXHIBIT 5-11.pdf



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EXHIBIT 11

ALAMEDA POINT - UTILITY PHASING (TEL/DATA)

8/19/2022

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EXHIBIT 5-11.pdf

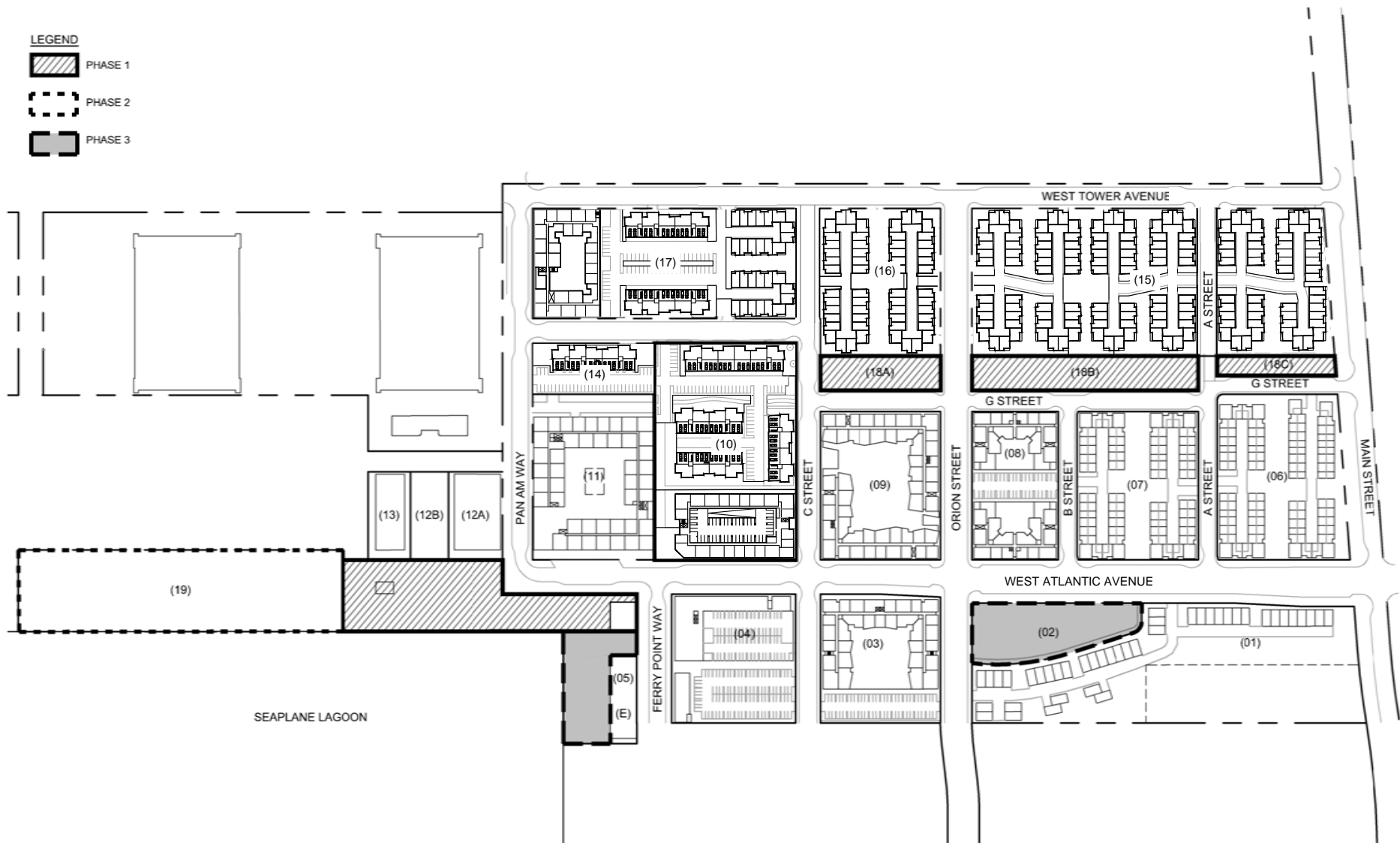


EXHIBIT 12

SITE A - PARK & OPEN SPACE PHASING

8/19/2022

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EXHIBIT 12.pdf

EXHIBIT 4

Exhibit D to the Development Agreement
CEQA Checklist

CITY OF ALAMEDA**ENVIRONMENTAL CHECKLIST FOR STREAMLINED REVIEW****Pursuant to California Public Resources Code Sections 21083.3 and CEQA Guidelines and 15183**

Project Title: Site A Development Plan Amendment

Lead Agency: City of Alameda
2263 Santa Clara Avenue
Alameda, CA 94501

Contact Person: Andrew Thomas, Planning Director
2263 Santa Clara Avenue
Alameda, CA 94501
Phone: (510) 747-6881

Project Sponsor: Alameda Point Partners, LLC
Stephanie Hill
1528 S. El Camino Real, Suite 100
San Mateo, CA 94402
Phone: (415) 569-3722

General Plan Designation: Mixed-Use

Zoning: Waterfront Town Center (AP-WTC) Sub-district

1.0 PROJECT SUMMARY

The Alameda Point Town Center and Waterfront Town Center Specific Plan (Town Center Plan) envisions Site A as a transit-oriented mixed-use project that helps realize the City of Alameda's vision for the development of Alameda Point. The Town Center Plan is a specific plan adopted pursuant to Government Code Section 65450 et seq. for the implementation of the City of Alameda's vision for the heart of the former Naval Air Station (NAS) Alameda and fulfills the request for a Town Center Waterfront Master Plan required under AMC Section 30-4.24 Alameda Point District. Development of the proposed mixed-use project at Site A on Alameda Point (proposed project) would entail the redevelopment of a 68-acre portion of the former Alameda Point Naval Air Station (NAS Alameda) entirely within the Town Center Plan area.

In June 2015, the City of Alameda approved the Site A Development Plan, Development Agreement, and a Disposition and Development Agreement (DDA) with Alameda Point Partners (APP, the City's development partner for Site A). The Development Plan was subsequently amended by the City Council in June 2017. The current Site A agreements allow for 800 housing units (200 of which are deed restricted affordable units), 600,000 square feet of commercial development, and up to 15 acres of public parks to be constructed over 15 years in three phases.

Over the seven years since adoption of the Site A Development Plan, APP and its partners have constructed 454 housing units (124 for sale townhomes, 202 rental units, and 128 deed restricted affordable units), two large public parks, and a Ferry Terminal. This summer construction will begin on 220 additional rental

units on Block 11.

As of 2022, APP has not begun construction of infrastructure to support Phase 2 or Phase 3. Phase 2 lands have been conveyed from the Navy to the City but have not been conveyed from the City to APP. Phase 2 is currently entitled for a total of 126 units. Phase 3 lands (with the exception of a small block called “Block 1a”) are still being remediated by the Navy and have not yet been conveyed to the City. Given the uncertainty about the Navy schedule for site remediation and conveyance on Phase 3 lands, and recent changes to the Surplus Lands Act, the City does not expect that these lands will be available for development during the 2023-2031 Housing Element period. Therefore, the Development Plan amendments do not propose any changes to Phase 3 land uses at this time. It is worth noting that although the Site A Development Plan does not propose any housing on Phase 3 lands, the Waterfront Town Center Specific Plan does entitle these areas for residential use. Once acquired, these lands, which are within one block of the new Seaplane Lagoon Ferry Terminal and adjacent to an AC Transit route, would be ideal for high density residential development with over 550 housing units.

The Development Plan amendments focus on the two remaining vacant blocks in Phase 1, which are owned by APP and all of the City owned blocks in Phase 2. The amendments will:

- Allow for construction of at least 179 residential units (90 affordable and 89 market rate) with ground floor commercial space facing West Atlantic Avenue on Block 10, which is owned by APP. The Waterfront Town Center Specific Plan designates this area for higher density residential use with ground floor commercial space. Block 10 is currently designated in the Site A Development Plan for approximately 65,000 square feet of retail or office use in four small buildings, approximately 3 acres of public plazas between the four buildings, and no residential units.
- Allow for the construction of at least 20 market rate residential units on Block 1A at the intersection of Main Street and West Atlantic Avenue. This small block is currently owned by APP and is currently designated for non-residential uses.
- Allow for construction of at least 411 residential units (103 affordable and 308 market rate) on the City owned lands in the Phase 2 area north of Phase 1 and south of West Tower Avenue and the “West Midway Area”. The Phase 2 area is currently designated for only 126 residential units and approximately 175,000 square feet of non-residential, manufacturing, or commercial use.
- Designate Block 12/13 (adjacent to the Waterfront Park) for commercial, entertainment, community serving public parking, the NAS Museum, and the Waterfront Park.

In summary, with the proposed amendments, completion of Site A Phases 1 and 2 will include: 128 townhomes on Block 6 (completed) and Block 7 (currently under construction); 128 affordable units and 2 manager’s units on Block 8 (completed); 200 rental units on Block 9 (completed); 179 units on Block 10; 220 units on Block 11, 20 units on Block 1a, and 411 units on the Phase 2 blocks for a total of 1,288 housing units. Upon completion, 25% of all units will be deed restricted affordable housing and the total number of units in Site A will increase from 800 units to 1,300 units. New and replacement utilities, infrastructure, streets, and streetscape improvements would be constructed on the project site.

2.0 BASIS FOR STREAMLINING

Implementation of the Alameda Point project, as described in the Town Center Plan, including development of Site A, was analyzed in the Alameda Point Environmental Impact Report (Alameda Point EIR, State

Clearinghouse No. is 2013012043), which was certified by the City Council on February 4, 2014 by Resolution No. 14891. In addition, on November 30, 2021, the City Council certified the Alameda General Plan 2040 EIR (General Plan EIR), which analyzed the environmental impacts of adding 12,000 new housing units in Alameda over 20 years to accommodate the next two State of California Housing cycles. The General Plan EIR anticipated that much of the new housing would occur at Alameda Point.

The California Environmental Quality Act (CEQA) streamlining and/or tiering provisions including California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 allow for environmental review streamlining for projects developed under the Town Center Plan.

None of the conditions for preparation of a subsequent EIR per Section 15162(a) would apply to the proposed project, as described below, allowing for streamlining of the project:

1. The proposed Site A development does not involve substantial changes that would require major revisions to the Alameda Point EIR. As described below under Section 3.1, the Alameda Point EIR evaluated buildout of approximately 5.5 million square feet of developed space consisting of 3,060,500 square feet of manufacturing/warehouse uses; 1,627,500 square feet of office/business park/institutional uses; 812,000 square feet of retail/commercial uses; 1,425 residential units; 291 acres of parks and open space; a new ferry terminal, and 530 marina slips. The GP EIR analyzed the environmental impacts of adding up to 12,000 new housing units in Alameda, with most of the increase occurring in western Alameda and at Alameda Point. As described under the Project Description in the Environmental Checklist below, the proposed Site A development would represent substantially less development than evaluated in the Alameda Point EIR and the GP EIR, consisting of up to 1,300 residential units (up from 800); 360,000 square feet of retail, commercial, and hotel uses (down from 600,000 square feet); and approximately 10 acres of open space and parks (down from 13.35 acres). No new significant environmental effects or substantial increase in the severity of previously identified significant effects would result from the proposed development of Site A, as outlined in the Environmental Checklist below.
2. There are no substantial changes in the circumstances of the project. The existing conditions described in the Alameda Point EIR adequately describe the environment, and the circumstances of the proposed Site A development are consistent with the analysis in the Alameda Point EIR. No new significant environmental effects or substantial increase in the severity of previously identified significant effects would result from the proposed development of Site A, as outlined in the Environmental Checklist below.
3. There is no new information of substantial importance that was not known and could not have been known at the time of the Alameda Point EIR, which was certified on February 4, 2014. As outlined in the Environmental Checklist below, the project would not have more significant effects, or significant effects that are substantially more severe than shown in the Alameda Point EIR. No mitigation measure or alternatives identified in the Alameda Point EIR that are found to be infeasible would be feasible, nor are considerably different mitigations or alternatives available that would substantially reduce significant effects.

The attached Checklist evaluates the potential project-specific environmental effects of the proposed project and evaluates whether such impacts were adequately covered by the Alameda Point EIR, consistent with CEQA Guidelines Section 15183, described below. This Checklist hereby incorporates by reference the Alameda Point EIR and General Plan EIR analysis of all potential environmental impact topics, including all background information it contains regarding the environmental setting of the Alameda Point project. The Alameda Point EIR and General Plan EIR are available for review at the offices of the Planning, Building and Transportation Department located at 2263 Santa Clara Avenue. In addition, an electronic copy of the Alameda Point EIR and General Plan EIR is available on the City's website at: <https://www.alamedaca.gov/Departments/Base-Reuse-Alameda-Point> and [alameda2040.org/document-](https://www.alamedaca.gov/Departments/Base-Reuse-Alameda-Point)

library.

2.1 CEQA Guidelines Section 15183

Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 allow streamlined environmental review for projects that are “consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified... except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” (CEQA Guidelines, Section 15183(a).)

Section 15183(c) specifies that “[i]f an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, ... then an additional EIR need not be prepared for the project solely on the basis of that impact.”

Section 15183(b) states that “[i]n approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis: (1) [a]re peculiar to the project or the parcel on which the project would be located; (2) [w]ere not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan with which the project is consistent; (3) [a]re potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; or (4) [a]re previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.”

Section 15183(d) further states that the streamlining provisions of this section “shall apply only to projects which meet the following conditions: (1) [t]he project is consistent with: (A) [a] community plan adopted as part of a general plan, (B) [a] zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or (C) [a] general plan of a local agency; and (2) [a]n EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.”

2.2 Applicability of Section 15183 to Site A

The proposed project for Site A would be consistent with the General Plan designations and zoning for the site described in the Town Center Plan, as outlined below, and would meet the requirements for streamlining under CEQA Guidelines Section 15183(d)(1), described above.

The General Plan land use designation for Site A is Mixed-Use. The General Plan Mixed-Use designation is described as follows: *“These areas at Alameda Point and along the Northern Waterfront are designated Priority Development Areas in the regional sustainable communities plan, Plan Bay Area. These diverse areas include a variety of buildings, with residential densities of 10 to 100 units per acre and FAR of 0.25 to 4.0. The Mixed-Use areas permit a wide variety of housing types, including multifamily housing, a wide variety of commercial and business uses and a maximum FAR of 0.25 to 5.0 depending on the sub district and historic district designations.”*

General Plan Policy LU-18 describes the vision for the Alameda Point Waterfront and Town Center Mixed-Use District, as follows. *“Consistent with the Waterfront and Town Center Specific Plan, create a compact, transit-oriented mixed-use urban core with an iconic main street and vibrant waterfront experience that leverages the unique character and existing assets of the area to catalyze a transformation of the larger Alameda Point area.”*

“Actions:

“a. Mixed-Use. Create a pedestrian, bicycle, and transit supportive mixed-use urban waterfront environment designed to provide for a mix of uses that include waterfront and visitor-serving uses, retail, service, entertainment, lodging, recreational, and medium to high-density residential.

“b. A ‘Main Street’ for Alameda Point. Identify and designate a commercial main street for Alameda Point and preserve commercial opportunities on that street for the retail and commercial businesses that will be attracted to Alameda Point once new housing and new industries and employers have settled at Alameda Point.

“b. [sic] Seaplane Lagoon. Permit uses that promote pedestrian vitality and are oriented to the Seaplane Lagoon, such as a ferry terminal, marinas, viewing platforms, fishing piers, and areas reserved for kayaks and other non-motorized boats. Include “short-duration stop” facilities that support stopping, gathering and viewing with places to sit, interpretive kiosks, integrated water features, public art, and access to the water.

“c. DePave Park. On the western shore of the Lagoon, support development of “DePave Park” to be consistent with the Public Trust and sensitive to the neighboring Alameda Nature Reserve.

“d. Conservation. Educate users and enforce restrictions to Breakwater Island and install signs about the sensitivity of the protected bird and mammal species.”

Similar to the originally approved Site A Development Plan, the proposed amended mixed-use project would be consistent with the above designations and policy objectives.

Site A is zoned Waterfront Town Center (AP-WTC) Sub-district, which provides for a mix of waterfront and visitor-serving uses, including retail, service, entertainment, lodging, recreational, and medium- to high-intensity residential uses. As laid out in the Town Center Plan, the project site’s land use designations are: Residential Mixed Use (RMU); Commercial Mixed Use (CMU); Retail, F&B, and Entertainment (R); and Open Space (OS). The majority of the project site is designated RMU, with the portions generally north and east of Seaplane Lagoon designated R or CMU. The portion of the project site along the northern edge of the Seaplane Lagoon is designated OS. Under the Town Center Plan, which is a specific plan and fulfills the request for a Town Center Waterfront Master Plan required under AMC 30-4.24 Alameda Point District, the form-based zoning would grant planning staff extensive discretion over the form and design of the proposed project.

The proposed project would be consistent with the land use transition concept specified in the Town Center Plan, which is as follows:

“Along the edge of Bayport and bordering the Main Street Neighborhoods in the Atlantic Entry District, lower-density multi-family residential use – in the form of 2-3 story townhomes and walk-up flats – is proposed. Toward the Seaplane Lagoon, residential density increases, with 3-5 story apartments over parking and/or retail podia. The greatest mix and intensity of uses (including office, residential, hotel and retail) and the site’s tallest buildings (5-6 story) are concentrated at the west end of Ralph Appezato Memorial Parkway and along Ferry Point Road. A zone of retail, entertainment, dining and other visitor serving uses overlays the Town Center and East Waterfront along Ferry Point Road, connecting residential and commercial centers and providing amenities to both. Along the north edge of the Seaplane Lagoon, maritime and commercial uses provide a transition from the Town Center westward to the more industrial, production-oriented functions currently located along the west side of the Adaptive Reuse Sub-District. Public open space and maritime uses surround the Seaplane Lagoon, providing for enjoyment of the Waterfront.”

The project site has maximum height limits ranging from 40 to 65 feet; in addition, certain areas have required minimum heights ranging from 20 to 50 feet. Height limits gradually increase from 40 feet at the eastern project boundary along Main Street to their greatest height along the eastern edge of Seaplane Lagoon. In addition, heights above 65 feet can be approved along blocks immediately east of Seaplane Lagoon. The proposed project would have buildings generally ranging from 35 feet to 65 feet in height. The tallest buildings would be constructed in the southwestern corner of the site, at the western end of West Atlantic, and consistent with the Town Center Plan, may be taller than 65 feet, subject to the Planning Board approval and Design Review, if the building exhibits exceptional architectural design and is transit supportive.

The project would preserve and maintain views through the project area, consistent with the guidelines of the Town Center Plan's Transit Village Center Guidelines. The guidelines designate view corridors along, and of, the Seaplane Lagoon, including a public plaza a minimum of 1 acre in size that extends from Pan Am Way to the waterfront, with a minimum width of 150 feet; building setbacks along the Seaplane Lagoon ranging from 32 to 200 feet; a view corridor of no less than 40 feet between Building 77 and the Seaplane Lagoon; and a view corridor extending along the RAMP of approximately 105 feet.

The Alameda Point EIR was prepared for the Town Center Plan and was certified by the City Council on February 4, 2014, and the General Plan EIR was certified by the City Council on November 30, 2021 as described further in Section 3, consistent with the requirements for applicability of streamlining under CEQA Guidelines Section 15183(d), described above. Therefore, the proposed project is eligible for streamlined environmental review under California Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

3.0 ALAMEDA POINT PROJECT EIR

3.1 Background

The Alameda Point EIR evaluated the potential environmental impacts associated with the redevelopment and reuse of the 878 acres of land and approximately 1,229 acres of water at the former NAS Alameda, at the western end of the City of Alameda. The project evaluated in the Alameda Point EIR includes:

- Adoption of a Master Infrastructure Plan for the replacement, reconstruction, and rehabilitation of deteriorated and substandard infrastructure, buildings, and shoreline protections;
- Rehabilitation and new construction of open space, parks, and trails for public enjoyment;
- Rehabilitation, reuse, and new construction of approximately 5.5 million square feet of commercial and workplace facilities for approximately 8,900 jobs;
- Maritime and water-related recreational uses in and adjacent to the Seaplane Lagoon, including a new ferry terminal;
- Rehabilitation and new construction of 1,425 residential units for a wide variety of household types for approximately 3,240 residents;⁴ and
- Adoption of a General Plan Amendment, a Zoning Ordinance Amendment, and a precise plan that would create planning sub-districts in Alameda Point to facilitate a seamless and integrated mixed-use, transit-oriented community consistent with the existing General Plan and Reuse Plan.

In February 2014, the Alameda City Council approved a Master Infrastructure Plan, General Plan Amendment, and Zoning Ordinance Amendment, and certified the EIR; in May 2014, the Council approved the Alameda Point Transportation Demand Management Plan; and in July 2014, the Council approved the

Town Center Plan as part of the required entitlement process for potential development at Alameda Point.

3.2 Potential Environmental Effects Identified

The Alameda Point EIR analyzed the following environmental resource topics: land use consistency and compatibility; population and housing; transportation and circulation; cultural and paleontological resources; biological resources; air quality and greenhouse gases; noise; geology, soils, and seismicity; hydrology and water quality; hazards and hazardous materials; aesthetics; public services and recreation; and utilities and service systems.

Significant and unavoidable impacts, even with implementation of mitigation measures, were identified in the Alameda Point EIR for the following environmental resource topics: transportation and circulation; cultural resources; air quality and greenhouse gases; and noise. In addition, the Alameda Point EIR identified mitigation measures that would reduce significant impacts to less-than-significant levels for the following resources: biological resources; geology, soils, and seismicity; hydrology and water quality; hazards and hazardous materials; aesthetics; and utilities and service systems.

Mitigation measures applicable to the development of Site A from the approved Mitigation Monitoring and Reporting Program for the Alameda Point EIR are listed in Attachment A. As described for each environmental resource topic in the Checklist, with implementation of these mitigation measures, the proposed project would not result in significant impacts beyond those analyzed in the Alameda Point EIR. All of the mitigation measures identified in the EIR were adopted and incorporated into the Alameda Point project by Resolution No. 14891.

4.0 PROJECT DESCRIPTION

4.1 Overview

The Alameda Point Town Center and Waterfront Precise Plan (Town Center Plan) envision Site A as a transit-oriented mixed-use project that helps realize the City of Alameda's vision for the development of Alameda Point.⁴ The mixed-use project at Site A on Alameda Point would entail the redevelopment of a 68-acre portion of the former NAS Alameda.

The proposed project as originally approved in 2015 would have included up to 800 residential units and 600,000 square feet of retail, commercial, and hotel uses.

The amended project would include 1,300 housing units and 360,000 square feet of retail, commercial, and hotel uses.

This Checklist addresses all phases of the Site A development as amended, based on the information available at this time. City design review and approval of the subdivision map for proposed project phases may include modifications to the plans as considered and evaluated; subsequent CEQA review for consistency with the certified EIR may occur at that time, depending on the extent of those modifications. The project approvals required for Site A are listed below under Section 6.

4.2 Project Location

The project site, referred to as Site A, is an approximately 68-acre area on Alameda Point, the former NAS Alameda west of Main Street at the western end of Alameda Island, in the City of Alameda, California, as shown on Figure 1. Site A is designated to be the town center area of Alameda Point, and has approximately 1,500 lineal feet of frontage on the Seaplane Lagoon.

Site A is located along West Atlantic Avenue, which serves as a gateway to Alameda Point from Main Street, and is bounded by Main Street to the east and West Tower Avenue to the north. It includes the parcels immediately south of West Atlantic Avenue (a westward extension of RAMP) and the parcels just west of Ferry Point. The Seaplane Lagoon forms the southwestern boundary along the site.

The site is accessible from Interstate 880, which is approximately 2.5 miles to the north of the site; regional access to Site A is via State Route 260 through the Webster-Posey Tube, connecting the island of Alameda and the City of Oakland, approximately 2 miles to the northeast of the site. The Alameda Main Street public ferry terminal is 1 mile to the north of Site A.

4.3 Existing Conditions

Site A is relatively flat, with sparse vegetation, and is occupied by structures and other vestiges of the military activities that took place at NAS Alameda during its operation from 1940 to 1997. The site is predominantly paved with asphalt; it is developed with large warehouse buildings along the northern edge of the site, with other industrial and commercial buildings and structures scattered across the site.

Over the seven years since adoption of the Site A Development Plan, APP and its partners have constructed 454 housing units (124 for sale townhomes, 202 rental units, and 128 deed restricted affordable units), two large public parks, and a Ferry Terminal. This summer, construction will begin on 220 additional rental units on Block 11.

As of 2022, APP has not begun construction of infrastructure to support Phase 2 or Phase 3. Phase 2 lands

have been conveyed from the Navy to the City but have not been conveyed from the City to APP. The existing vacant Navy warehouses remain in this area. Phase 3 lands (with the exception of a small block called “Block 1a”) are still being remediated by the Navy and have not yet been conveyed to the City.

Cartwright Substation is a 115/12.47-kilovolt (kV) substation at the southeastern corner of the site that provides local electric distribution to Alameda Point and portions of the surrounding areas to the east. This substation would remain in service throughout the redevelopment of Alameda Point, including Site A.

As described in the Master Infrastructure Plan (MIP), the elevation of Alameda Point ranges from 1 foot to 8 feet, with areas immediately along the Seaplane Lagoon and extending along Ferry Point that are in the 100-year tide zone, and therefore vulnerable to flooding. Areas generally between West Trident Avenue and West Atlantic Avenue are also in the 100-year tide, and are therefore also vulnerable.

As described in the Alameda Point EIR, Site A is a former Navy site and includes contaminants that were remediated or are in the process of being remediated. Site A is designated as a National Priorities List site. It contains, or contained, contaminated soils and groundwater associated with past industrial, manufacturing, and military activities and uses, including one landfill, an airfield, and an oil refinery. In addition, as described in the EIR, the site is underlain by a layer of sediment (referred to as the Marsh Crust) that was deposited from the late 1800s to the 1920s, and was contaminated with semi-volatile organic compounds. The City’s Marsh Crust Ordinance applies to excavation on Site A.

4.4 Project Characteristics

Consistent with the Town Center Plan and Chapter 3, Project Description, of the Alameda Point EIR, Site A is proposed for a mixed-use, transit-oriented, residential/commercial development, and would serve as the retail core of Alameda Point. At full build out, the 2022 Site A Development Plan will include 1,300 housing units and 360,000 square feet of non-residential commercial uses. The Alameda Point EIR evaluated the environmental impacts of 1,425 housing units and 5.5 million square feet of non-residential uses.

4.4.1 New Buildings

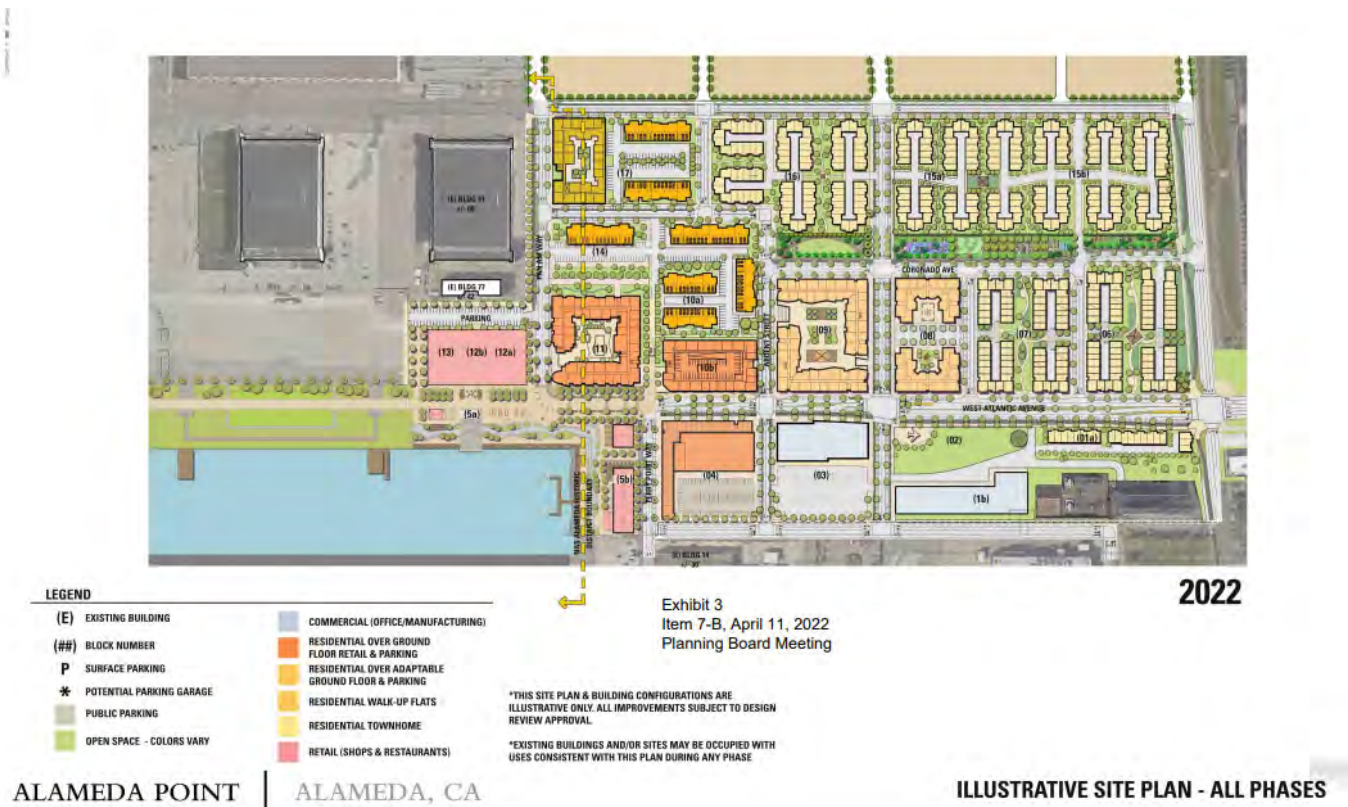
Five building types would be constructed under the proposed project, as listed in Table 1 and described below.

- **Townhome.** Residential three-story townhomes would be clustered around auto-courts, with their entries facing either public rights-of-way or pedestrian walkways. Buildings may be up to three stories and 35 feet tall, and include both two- and three-bedroom units. Consistent with the Town Center Plan, certain townhomes would be provided with raised stoops and some would be flush with grade and designed with a ground-floor frontage capable of being adapted for non-residential uses.
- **Multifamily Flats.** Residential buildings would have a ground-level parking garage with residential units above or with residential uses wrapped along the building street frontage. Residential units would include studios, and one-, two-, and three-bedroom flats. Buildings may be up to five stories and up to 65 feet in height.
- **Mixed Use.** Mixed-use buildings would have a design similar to the multifamily building type, and would contain a mix of uses at the ground level, such as retail; food and beverage service; parking; residential; and hotel. In this building type, either residential units or hotel rooms would be constructed above the ground floor. Parking would be visually screened from the street. Buildings may be up to seven stories and 65 feet in height.

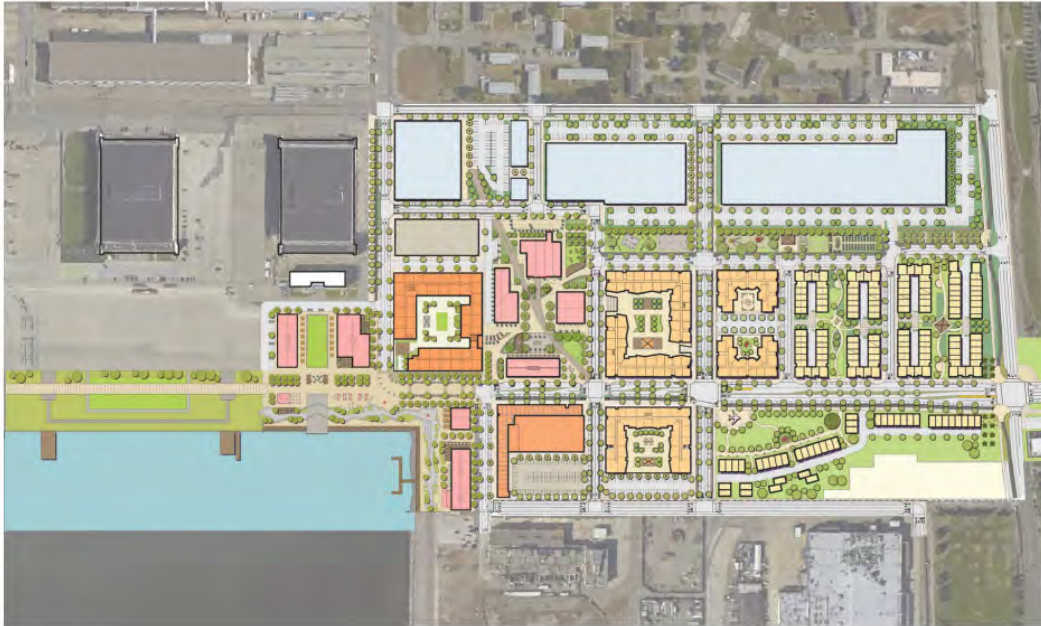
- **Commercial.** The commercial building type would have large spaces and volumes, which would be suitable for a variety of commercial and light-industrial uses, and would generally be of wood and/or metal construction. Buildings would be one story, and up to 35 feet in height.
- **Retail.** The retail building type would be primarily one-story structures, characterized by visually transparent façades (such as glass), multiple points of entry along the building, and minimum ceiling heights of 14 feet. Retail uses would vary from general merchandise; food and beverage; entertainment; and service. Streetscapes along the storefronts would be designed with pedestrian amenities.

Figure 1 below shows the 2022 Development Plan as compared to the 2015 Development Plan.

2022 Development Plan



2015 Development Plan



4.4.2 Parks and Open Spaces

Site A would be developed with two distinct park-themed areas or districts; each district would have a unique character and programming intended to create accessible and walkable community open space, as described below. A portion of the Bay Trail would be constructed along the northeastern edge of the Seaplane Lagoon, along the southern edge of RAMP to Main Street, and along the Site A frontage on Main Street, generally from RAMP north to West Tower Avenue.

In addition to the public open spaces/parks described below, private open space would be developed for the residential uses.

The Waterfront Park would include an approximately 7.23-acre park along the shoreline of the Seaplane Lagoon. Amenities would be designed for water-oriented activities and views, and would include pedestrian walks, bicycle paths, vista points, seat/rest areas, flexible plaza space for events, and access to the water. The first 2.6 acres of the 7.23 acre park were completed in 2021.

Completed in 2021, an approximately 1.35-acre linear neighborhood park was constructed along Coronado Avenue. In addition, an approximately 1.15-acre park would be constructed along RAMP, the main entry road, which would retain the existing Corsair II aircraft display and existing Cypress tree along the southern edge of RAMP.

4.4.3 Infrastructure Improvements

Proposed infrastructure improvements would be consistent with the MIP⁹ for the Alameda Point project. General Improvements are described below.

Streetscape, Circulation, and Parking

Site A would be developed with a “complete streets” transportation network that would support a variety of modes of transportation, and would provide pedestrian, bicycle, and transit facilities. New roadways

would be constructed, and existing roadways would be re-aligned, resulting in a grid street network on the site. West Atlantic Avenue was realigned east of Main Street and serves as a gateway to Site A. The project frontage along Main Street would be landscaped, and the portion of the Bay Trail along Main Street from RAMP to West Tower Avenue would be constructed.

The street system would include a network of local streets with connecting alleys and a dedicated bus lane on West Atlantic. Sidewalks would be constructed along streets, with widths varying between 6 and 15 feet, based on street right-of-way sections. In addition, bicycle facilities—including separated bicycle paths, shared pedestrian and bicycle paths, and bicycle lanes with painted buffer strips—would be constructed throughout the site.

Utilities and Site Improvements

The MIP describes the planned backbone infrastructure, anticipated to consist primarily of new infrastructure installed to support the uses in Site A. The backbone infrastructure is the major framework of streets and utilities, generally based on the existing street grid within Site A.

The MIP outlines potential corrective geotechnical and flood protection improvement measures. In addition, the proposed utility systems described in the MIP include storm water, wastewater, potable water, recycled water, electrical, natural gas, and telecommunication systems. Each of these systems is anticipated to connect to existing public facilities at the perimeter of Site A. The proposed electrical system would connect to the existing Cartwright Substation, which is in Site A near the intersection of West Atlantic Avenue (future RAMP) and Main Street.

Flood Protection, Sea-Level Rise Strategy, Soil Improvements, and Site Grading.

Consistent with the Alameda Point EIR and MIP evaluated therein, the proposed project would construct flooding and sea-level rise protection. Perimeter flood protection measures would be constructed for integration with the sea-level rise adaptive management strategy for Alameda Point. Along the eastern perimeter of the Seaplane Lagoon, shoreline flood protection improvements would be installed to a minimum elevation of 7.6 feet (City Datum) along Site A, based on the MIP design criteria 100-year tide, plus 24-inch sea-level rise, plus 1-foot wind/wave run-up, plus 1-foot freeboard. Geotechnical corrective measures to address liquefaction potential and stabilize the building sites may include soil improvement techniques such as soil-cement mixed columns, drilled displacement columns, stiffened foundations, and/or piles. In addition, the site would be graded to achieve the minimum required elevations per the MIP. Portions of the site would be raised up to 3 feet above the existing ground level, requiring approximately 360,000 cubic yards of on-site grading (cut to fill), and approximately 100,000 cubic yards of soil to be imported to the site.

Storm water. A new storm water collection system would be constructed, consisting of pipelines, manholes, inlets, pump stations, multi-purpose basins, and outfalls. The new storm water system would be designed to convey the 25-year design storm with 6 inches of minimum freeboard. Additionally, the system would accommodate the 100-year storm, with a maximum ponding in the streets of up to the top of curb at low points in the street profiles. A new storm water outfall would replace an existing outfall toward the northeastern edge of the Seaplane Lagoon. This new outfall would convey storm water runoff from Site A into the Bay, and would include tide valves to prevent tidal influences in the system. Due to high groundwater table, and the limited potential for collecting and reusing storm water, the proposed project would implement low-impact development principles for the management and treatment of storm water runoff. Although much of the system would be gravity-based, pumping may be necessary to convey treated flows to bio retention areas.

Potable Water Improvements. The existing water system would be replaced with a new potable water distribution system in phases consistent with the development build-out. The proposed distribution

pipelines would connect to the existing East Bay Municipal Utility District (EBMUD) water facilities in Main Street. The proposed distribution system would range in size from 8 inches to potentially 16 inches in diameter. The proposed water distribution facilities would be installed in the backbone streets, providing potable and fire water to the proposed project.

Wastewater. The proposed project would replace the existing wastewater system with a new wastewater collection system that would be owned and operated by the City of Alameda. The proposed collection system would include gravity pipelines ranging in size from 8 inches to 24 inches in diameter, and lift/pump station(s) and force main pipelines. The proposed wastewater collection facilities would be installed in the backbone streets in Site A. The proposed system would connect to EBMUD's existing Pump Station R at the Main Gate. Pump Station R conveys wastewater flows to the EBMUD treatment plant in Oakland.

Recycled Water. A network of recycled water pipelines is anticipated to be constructed in the proposed rights-of-way of major backbone streets, and would range in size from 6 to 12 inches to serve the open space and public landscaping. The recycled water facilities would be designed and constructed in accordance with EBMUD's regulations, standards, and specifications, should provisions for a permanent source be available.

Electricity. The existing overhead transmission lines in Site A would be replaced with a new underground electric distribution system from the Cartwright Substation, in phases consistent with the development build-out. The proposed electric distribution system would consist of new underground conduits, vaults, boxes, and pads that can accommodate 15-kV-rated cables, transformers, switches, and other utility distribution equipment, including its supervisory control and data acquisition communication monitoring and controls. The electrical conduits and cables would be placed in a joint utility trench along the backbone streets. This trench would also accommodate the natural gas, telephone, cable television, possible ancillary fiber optic cable systems, and streetlight facilities.

Natural Gas. A new natural-gas-distribution system would be installed throughout Site A, replacing the existing natural gas system in phases consistent with the development build-out. This system would connect to the existing 8-inch main near the intersection of West Atlantic Avenue and Main Street. The proposed gas facilities would be constructed in the backbone streets in a phased implementation.

New Telecommunications Systems. New telecommunications systems, including telephone and cable television, would be installed. Additional empty conduits would be installed to accommodate the implementation of fiber optics by other service providers. These systems would connect to the existing systems east of Site A, near Main Street. The proposed telecommunication facilities would be constructed in the backbone streets.

4.5 Phasing and Construction

Site A would be constructed in three phases, with demolition and grading preceding each phase, and utility and street infrastructure constructed prior to completion of vertical construction for each phase. Temporary improvements would be installed as needed to connect to adjacent facilities and roadways to provide access and utilities until future development occurs.

The proposed project infrastructure improvements would be phased to accommodate the scheduled build-out of the residential, retail, commercial, parks, and open space planned for each phase of development. All below-grade utility and street surface improvements that are necessary to comply with the local, state, and federal requirements and applicable law would be completed to deliver a fully functional phase. The phasing of the infrastructure improvements may vary depending on final build-out mix and need. All local in-tract streets (streets within the parcels) necessary to provide access and utility connections would be constructed in the appropriate phase. Each phase would also require interim transitions from the permanent improvements to the existing utilities and roadway sections.

4.6 Project Approvals

4.6.1 City of Alameda

- Disposition and Development Agreement specifying the price and terms of payment for project site and development obligations.
- Development Agreement vesting the rights to develop the project site, as set forth under the terms of that agreement.
- Development Plan including a detailed site plan, with backbone and in-tract street alignments and sections, building footprints and massing, landscape concepts, and a phasing plan, pursuant to Section 30-4.13 (j) of the Alameda Municipal Code.
- Tentative and Final Maps, Design Review, and Conditional Use Permits or variances, if determined necessary, for each phase of development.
- Density Bonus Waiver for construction of multi-family housing, and Affordable Housing Unit Plan.
- Site Management Plan providing guidelines for development activities to be conducted in a manner to protect the health and safety of workers, residents, visitors, and the environment.
- Infrastructure Improvement Plans for the improvement of the on-site and adjacent off-site streets, open space, wastewater, storm water, potable water, recycled water, power, natural gas, and communications facilities for each phase of development.
- Excavation permit per City of Alameda Marsh Crust Ordinance.
- A design-level geotechnical analysis to confirm that the necessary corrective measures would be prepared as part of the design process of proposed improvements.
- Transportation Demand Management Plan Compliance Strategy.
- Demolition, grading, and building permits.
- The City of Alameda Public Works Department and Alameda Municipal Power would be responsible for reviewing and approving each of their respective components of the proposed infrastructure improvements with each development.
- All proposed improvements and structures would be compliant with the avoidance and minimization measures outlined in the Biological Opinion issued by the U.S. Fish and Wildlife Service; the Declaration of Restrictions recorded on the Alameda Point property; and a Memorandum of Agreement with the Veterans' Administration for lighting mitigation measures related to protecting the least tern colony in the Veterans' Administration property. The City of Alameda would review all proposed improvements to ensure compliance.

4.6.2 Other Agencies

- Regional Water Quality Control Board – Section 401 water quality certification required for activities in wetlands or below the ordinarily high water line, such as for the construction of the storm water outfall.

- U.S. Army Corps of Engineers – Improvements in the waters of the United States require a Section 404 permit, such as for construction of the storm water outfalls or any shoreline flood protection measures below the ordinary high water line.
- Bay Conservation and Development Commission – Permit for improvements or proposed structures in the Bay or within 100 feet of the Bay shoreline.
- Bay Area Quality Management District – Permit for asbestos abatement activities.
- EBMUD – Review and approval of proposed water, wastewater, and recycled water infrastructure improvements.
- Pacific Gas and Electric Company – Review and approval of proposed electrical and natural gas infrastructure improvements.

5.0 EVALUATION OF ENVIRONMENTAL EFFECTS

This Checklist compares the potential environmental impacts that may result from implementation of the proposed project to the effects previously identified for the Alameda Point project's Development Program (including Site A), to determine whether the proposed project's environmental impacts were adequately addressed in the Alameda Point EIR per CEQA Guidelines Sections 15162 and 15183, as described under Section 2.0, above.

The checkboxes in the Checklist indicate whether the proposed project would result in environmental impacts, as described below:

- **Equal or Less Severity of Impact than Previously Identified in the Alameda Point EIR** – The severity of the specific impact of the proposed project would be the same as or less than the severity of the specific impact described in the Alameda Point EIR.
- **Substantial Increase in Severity of Previously Identified Significant Impact in the Alameda Point EIR** – The proposed project's specific impact would be substantially greater than the specific impact described in the Alameda Point EIR.
- **New Significant Impact** – The proposed project would result in a new significant impact that was not previously identified in the Alameda Point EIR.

Where the severity of the impacts of the proposed project would be the same as or less than the severity of the impacts described in the Alameda Point EIR, the checkbox for Equal or Less Severity of Impact Previously Identified in Alameda Point EIR is checked. Where the checkbox for Substantial Increase in Severity of Previously Identified Significant Impact in Alameda Point EIR or New Significant Impact is checked, there are significant impacts that are:

- Peculiar to project or project site (CEQA Guidelines Section 15183(b)(3));
- Not analyzed as significant impacts in the previous EIR, including off-site and cumulative impacts (CEQA Guidelines Section 15183(b)(2));
- Due to substantial changes in the project (CEQA Guidelines Section 15162(a)(1));
- Due to substantial changes in circumstances under which the project will be undertaken (CEQA Guidelines Section 15162(a)(2)); or
- Due to substantial new information not known at the time the EIR was certified (CEQA Guidelines Sections 15162(a)(3) and 15183(b)(4)).

As described under Section 3.2, above, the Alameda Point EIR analyzed the following environmental resource topics, which are present in the Checklist below in the order that they are presented in the EIR, as follows: land use consistency and compatibility; population and housing; transportation and circulation; cultural and paleontological resources; biological resources; air quality and greenhouse gases; noise; geology, soils, and seismicity; hydrology and water quality; hazards and hazardous materials; aesthetics; public services and recreation; and utilities and service systems. The first section under each resource topic in the Checklist provides a summary of the potential environmental impacts that may result from the Alameda Point project, as evaluated in the Alameda Point EIR. The second section describes the proposed project and its consistency with the EIR, identifies applicable mitigation measures, and discusses the adequacy of the EIR analysis. For the purposes of this Checklist, it is assumed that the proposed project will be required to comply with all applicable mitigation measures identified in the Alameda Point EIR and

adopted and incorporated into the Alameda Point project, as described in the Checklist.

This Checklist hereby incorporates by reference the Alameda Point EIR discussion and analysis of all potential environmental impact topics; only those environmental topics that could have a potential project-specific environmental impact are included. The EIR significance criteria have been consolidated and abbreviated in this Checklist for administrative purposes; a complete list of the significance criteria can be found in the Alameda Point EIR.

1. Land Use Consistency and Compatibility Would the project:	Equal or Less Severity of Impact than Previously Identified in Alameda Point EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Physically divide an established community;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the General Plan, specific plans, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Findings of the APP EIR

The Alameda Point EIR determined that the Alameda Point project would have less-than-significant project-level and cumulative land use impacts caused by the physical division of an established community; conflicts with applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to, the General Plan and zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or conflicts with applicable Habitat Conservation Plans or Natural Community Conservation Plans. Therefore, no mitigation measures related to potential land use impacts were required.

Site A Development Plan Amendments

Land uses designated for the Town Center and Waterfront Town Center Sub-district include waterfront restaurants, retail, hotels, entertainment, other visitor-serving uses, and multi-family housing. As described in the Alameda Point EIR, new building types include commercial block, workplace commercial, adaptive reuse, parking structures, and attached residential building types (such as work-live, stacked flats, multiplex, and row houses).

The proposed amendments to the project allow for an increase in multifamily units on blocks that had previously been planned for commercial development. The proposed revisions are consistent with the Alameda General Plan 2040 growth projections, consistent with the Alameda Point Town Center Specific Plan and Zoning Ordinance, consistent with the Bay Area Sustainable Communities Strategy, and consistent with the State of California's determination of the City of Alameda's Regional Housing Needs Allocation for the upcoming 8 year cycle.

Based on an examination of the analysis, findings, and conclusions of the Alameda Point EIR, and on the discussion above, the proposed amendment to the development plan for Site A would not substantially

increase the severity of the less-than-significant land use consistency and compatibility impacts identified in the Alameda Point EIR, nor would it result in new significant land use consistency and compatibility impacts that were not identified in the Alameda Point EIR.

2. Population and Housing Would the project:	Equal or Less Severity of Impact than Previously Identified in Alameda Point EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure);	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Displace substantial numbers of existing people, necessitating the construction of replacement housing elsewhere.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Findings of the Alameda Point EIR

The Alameda Point EIR determined that the Alameda Point project would have less-than-significant project-level and cumulative population and housing impacts related to direct or indirect inducement of substantial population or housing growth; displacement of substantial population or housing; and additional population, housing, or employment growth, or displacement of existing residents or housing units, on a regional level. Therefore, no mitigation measures related to potential land use impacts were required.

Site A Development Plan Amendments

The proposed amendments to the Site A Development Plan allow for an increase in multifamily units on blocks that had previously been planned for commercial development. The proposed revisions are consistent with the Alameda General Plan 2040 growth projections, consistent with the Alameda Point Town Center Specific Plan and Zoning Ordinance, consistent with the Bay Area Sustainable Communities Strategy, and consistent with the State of California's determination of the City of Alameda's Regional Housing Needs Allocation for the upcoming 8 year cycle. Furthermore, the plan does not displace any existing residents or include the demolition of any existing housing units.

Based on an examination of the analysis, findings, and conclusions of the Alameda Point EIR, and on the discussion above, development of Site A would not substantially increase the severity of the less-than-significant population and housing impacts identified in the Alameda Point EIR, nor would it result in new significant population and housing impacts that were not identified in the Alameda Point EIR.

3. Transportation and Circulation Would the project result in: ¹	Equal or Less Severity of Impact than Previously Identified in Alameda Point EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the congestion management agency for designated roads or highways;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Transportation and Circulation Would the project result in: ¹	Equal or Less Severity of Impact than Previously Identified in Alameda Point EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
e. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
¹ The Alameda Point EIR also included an analysis of potential transportation and circulation impacts based on criteria recommended by the City of Alameda Transportation Commission, the City of Oakland CEQA thresholds (for intersections in Oakland), Caltrans (for freeway segments and ramps), and the Alameda County Transportation Commission (for Congestion Management Program roadway segments). Although these specific criteria are not listed here, the discussion below reflects the results of this analysis. Please refer to the APP EIR for these specific criteria.			

Findings of the Alameda Point EIR

The Alameda Point EIR also determined that the Alameda Point project could result in significant project-level and cumulative transportation and circulation impacts at local study locations in the cities of Alameda and Oakland. During construction, the Alameda Point EIR determined that development facilitated by the APP would generate temporary increases in traffic volumes on area roadways, resulting in a significant impact. Implementation of **Mitigation Measure 4.C-1** (Construction Management Plan) would reduce this impact to a less-than-significant level. The Alameda Point project, at full buildout, would generate approximately 33,429 daily vehicle trips, about 2,928 weekday morning (a.m.) peak-hour trips, and 3,294 weekday evening (p.m.) peak-hour trips. Even with the implementation of **Mitigation Measures 4.C-2a** through **4.C-2o** (TDM Program, Monitoring, and measures to implement physical improvements), and **Mitigation Measures 4.C-5a** through **4.C-5iv** (TDM Program, Monitoring, Fund Fair Share Contribution to Transportation Improvements, and measures to implement physical improvements),⁸ the EIR determined that the redevelopment and reuse of NAS Alameda would result in significant and unavoidable project-level and cumulative impacts at local study locations due to an increase in traffic. In addition, project-level and cumulative transportation-related increases in peak-hour traffic volumes could potentially result in additional collisions involving pedestrians at the Oakland Chinatown intersections closest to the portals of the Webster and Posey tubes. This impact would be significant and unavoidable, even with implementation of **Mitigation Measure 4.C-9** (Chinatown Pedestrians).

The Alameda Point EIR determined that the Alameda Point project would have negligible changes in density (vehicles per lane) and a minimal change in level of service on the freeway mainline or freeway ramps under project and/or cumulative conditions. The Alameda Point project could result in an increase in traffic congestion on local streets that could affect emergency response times, but—in accordance with the existing City requirements, standards, and regulations—all development projects and transportation improvements would be reviewed by local emergency services providers (including the police and fire departments) for consistency with their standards and provision of adequate emergency access. Overall, the Alameda Point EIR determined that impacts to freeway facilities and emergency vehicle access would be less than significant, and no mitigation would be required.

Site A Development Plan Amendments

The proposed amendments to the Site A Development Plan allow for an increase in multifamily units on blocks that had previously been planned for commercial development. The proposed revisions are consistent with the Alameda General Plan 2040 growth projections, consistent with the Alameda Point Town Center Specific Plan and Zoning Ordinance, consistent with the Bay Area Sustainable Communities Strategy, and consistent with the State of California's determination of the City of Alameda's Regional Housing Needs Allocation for the upcoming 8 year cycle. Furthermore, the plan does not displace any existing residents or include the demolition of any existing housing units.

Similar to the 2015 approved Site A Development Plan as amended in 2017, the amended development would be developed with a "complete streets" transportation network that would support a variety of modes of transportation, and would provide pedestrian, bicycle, and transit facilities, consistent with the MIP. New roadways would be constructed, and existing roadways would be re-aligned, resulting in a grid street network on the site, as described under Project Description, above. The street system would include regional arterials, such as Main Street and West Atlantic; collector streets, such as Pan Am Way; and a network of local streets with connecting alleys. Sidewalks would be constructed along streets, with widths varying between 6 and 15 feet, based on street right-of-way sections. A dedicated bus rapid transit lane has already been constructed along the West Atlantic Avenue extension.

Because the proposed project contributes only a portion of the residents and jobs analyzed in the Alameda Point EIR, the proposed project would not generate more weekday peak hour vehicle trips than studied in the Alameda Point EIR, and would not result in a substantial increase in the severity of the significant impacts previously identified in the Alameda Point EIR; therefore, project-generated trips were adequately covered in the previous analysis. Because the proposed project contributes to future traffic levels along affected roadways, the project sponsor would be required to adhere to specific mitigation measures from the Alameda Point EIR Mitigation and Monitoring Report Program, which are noted in Attachment A. Implementation of specific mitigation measures (and other requirements to minimize transportation impacts) would be coordinated between the project sponsor and the City of Alameda, as appropriate. Such measures shall include funding a fair share to the total costs of identifiable transportation improvements, and the implementation of a Transportation Demand Management (TDM) program pursuant to Alameda Point EIR findings and relevant project approvals. Additionally, the TDM Plan was approved by the City Council on May 20, 2014.

Based on an examination of the analysis, findings, and conclusions of the Alameda Point EIR, and on the discussion above, the amended development of Site A would not substantially increase the severity of significant transportation and circulation impacts identified in the Alameda Point EIR, nor would it result in new significant transportation and circulation impacts that were not identified in the Alameda Point EIR.

4. Cultural and Paleontological Resources Would the project:	Equal or Less Severity of Impact than Previously Identified in Alameda Point EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Cause a substantial adverse change in the significance of a historical resource, as defined in Section 15064.5;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of a unique archaeological resource, pursuant to Section 15064.5;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Findings of the Alameda Point EIR

Alameda Point contains the NAS Alameda Historic District, which covers approximately 406.5 acres. The NAS Alameda Historic District contains 100 contributors, including 99 contributing buildings and structures, and contributing historic cultural landscape features. Portions of the NAS Alameda Historic District overlap with the Town Center and Waterfront Town Center Sub-district. The Alameda Point EIR determined that the Alameda Point project could result in significant impacts to the NAS Alameda Historic District, and identified **Mitigation Measure 4.D-1a** (Historic Preservation Ordinance), **Mitigation Measure 4.D-1b** (Guidelines), **Mitigation Measure 4.D-1c** (Removal Mitigation Plans), and **Mitigation Measure 4.D-5** (Implement Mitigation Measure 4.D-1), all of which would reduce significant impacts; however, even with the implementation of these mitigation measures, impacts could remain significant and unavoidable.

No archaeological resources have been recorded on Alameda Point, and the area has a low potential to contain buried prehistoric or historic-era sites. In addition, there are no known fossil sites in the project area, and the underlying geologic units have a low potential to yield significant paleontological resources. There is no indication that the area has been used for burial purposes in the recent or distant past, and it is unlikely that human remains would be encountered in the project area. The EIR determined that impacts resulting from inadvertent discovery of archaeological resources, paleontological resources, or human remains would be less than significant with implementation of **Mitigation Measure 4.D-2** (Archaeological Resources), **Mitigation Measure 4.D-3** (Paleontological Resources), **Mitigation Measure 4.D-4** (Human Remains), **Mitigation Measures 4.D-5** (Implement Mitigation Measure 4.D-1), and **Mitigation Measure 4.D-6** (Implement Mitigation Measures 4.D-2, 4.D-3, and 4.D-4).

Site A Development Plan Amendments

The Alameda Point EIR included an analysis of the potential effects to historic resources resulting from the development of new buildings in close proximity to the NAS Alameda Historic District or within the District, including the development of Site A. The portion of Site A that is west of Ferry Point Way is in the NAS Alameda Historic District. Within the Historic District, any new buildings would be consistent with the height limits designated in the NAS Alameda Historic District Hanger sub-area and the Historic District Infill Guidelines described in the Town Center

Plan. The project would maintain the character-defining views and street alignment through the project area, further described in Aesthetics, below.

Development in the Historic District, including modification of existing historic resources or the construction of new buildings, will require compliance with **Mitigation Measures 4.D-1a** and **4.D-1b**, as applicable. None of the buildings to be demolished as the result of the amendments to the Development Plan are identified as contributors to the District.

Based on the records search performed as part of the Alameda Point EIR cultural resources analysis (which included a 0.5-mile radius around the project area), there are no known archaeological or paleontological resources in the project area (including Site A), and no indication that the project area has been used for burial purposes. However, the development of Site A would be required to implement **Mitigation Measures 4.D-2, 4.D-3, 4.D-4, 4.D-5, and 4.D-6** to mitigate potential effects related to inadvertent discovery of cultural resources.

Based on an examination of the analysis, findings, and conclusions of the Alameda Point EIR, and on the discussion above, development of Site A would not substantially increase the severity of the significant cultural and paleontological resources impacts identified in the Alameda Point EIR, nor would it result in new significant cultural and paleontological resources impacts that were not identified in the Alameda Point EIR.

5. Biological Resources Would the project:	Equal or Less Severity of Impact than Previously Identified in Alameda Point EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands (as defined by Section 404 of the Clean Water Act) or on Waters of the State protected wetlands, through direct removal, filling, hydrological interruption, or other means;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. Biological Resources Would the project:	Equal or Less Severity of Impact than Previously Identified in Alameda Point EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
d. Interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Conflict with any adopted local, regional, or State Habitat Conservation Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Findings of the Alameda Point EIR

The Alameda Point EIR determined that the Alameda Point project could result in significant project-level and cumulative biological resource impacts on special-status wildlife, sensitive natural communities, riparian habitat, jurisdictional waters, and migratory and breeding wildlife; and conflict with policies and ordinances protecting biological resources. The EIR included mitigation measures that would reduce these impacts to a less- than-significant level.

The EIR identified numerous impacts to special-status fish and marine mammals from construction of the proposed marina and ferry terminal, as well as other in-water construction, and identified **Mitigation Measure 4.E-1a** (Sound Attenuation Monitoring Plan), **Mitigation Measure 4.E-1b** (NMFS and CDFW Consultation), **Mitigation Measure 4.E-1c** (Additional Noise Attenuation Measures), and **Mitigation Measure 4.E-1d** (Dock Lighting) to reduce these impacts to less-than-significant levels. **Mitigation Measure 4.E-1e** (Northwest Territories Sensitive Resources Measures) applies to the development of the Bay Trail and a proposed regional park. Development of the Alameda Point project, including Site A, could impact potential bat roosting sites in vacant or underused buildings, other manmade structures, and trees in or near the project site. Compliance with **Mitigation Measure 4.E-1f** (Bat Pre-Construction Survey) and **Mitigation Measure 4.E-1g** (Bat Maternity Colony Measures) would ensure that the proposed project has a less-than- significant impact on special-status wildlife. **Mitigation Measure 4.E-1h** (Monarch Butterflies) provides for monarch butterfly roost protection, typically groves of mature conifer and eucalyptus trees.

The EIR identified potential impacts to sensitive natural communities and jurisdictional waters—including federally protected wetlands, “other waters,” and navigable waters—due to marina and ferry terminal and other in-water construction. **Mitigation Measure 4.E-2a** (Native Oysters and Eelgrass), **Mitigation Measure 4.E-2b** (Boater Education), and **Mitigation Measure 4.E-2c** (Invasive Species Control Plan) apply to the marina and ferry terminal construction; **Mitigation Measure 4.E-3a** (Wetlands), **Mitigation Measure 4.E-3b** (BMPs for Wetlands), and **Mitigation Measure 4.E-3c** (Wetland Mitigation and Monitoring Plan) apply to work in the vicinity of jurisdictional waters.

The Alameda Point project could interfere with the movement of native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; **Mitigation Measure 4.E-4a** (Marine Craft Access Corridors) would apply to marine activities. The Alameda Point EIR determined that the project has the potential to induce bird collisions

with lighted buildings and other structures, and would be required to implement **Mitigation Measure 4.E-4b** (Bird Strike Mitigation); this measure requires design features that reduce the risk of avian collisions, and also requires the avoidance and minimization of increases in ambient night lighting. In addition, the APP would have to implement **Mitigation Measure 4.E-4c** (Breeding Birds) and **Mitigation Measure 4.E-4d** (Burrowing Owl) to avoid impacts on nesting birds and burrowing owls. General increases in ambient noise levels due to buildout would be less than significant; however, construction activities could generate noise that would substantially exceed ambient levels, and impact nesting birds. Implementation of **Mitigation Measure 4.E-4e** (Noise Mitigation Measures for Breeding Birds) would reduce this impact to a less-than-significant level. Open refuse containers would be prohibited throughout the project area through implementation of **Mitigation Measure 4.E-4f** (Open Refuse Containers); this would minimize the potential for increased predation on migratory and breeding birds. **Mitigation Measures 4.E-5, 4.E-6, and 4.E-7** require the implementation of the above measures to reduce conflicts with policies and ordinances, and to reduce cumulative impacts.

Site A Development Plan Amendments

Site A is generally developed and landscaped; it is not within the Northwest Territories or on the Federal Property, and is not within close proximity of the California least tern nesting colony. As described in Section 2.2, above, the land uses, building types, heights, and massing for the Site A development would be consistent with the Town Center Plan evaluated in the Alameda Point EIR, as well as the open spaces and view corridors. Elements of the proposed project may include in-water construction along the Seaplane Lagoon for the construction of park and levee facilities, which was evaluated in the Alameda Point EIR.

Therefore, development of Site A would require the implementation of **Mitigation Measure 4.E-1a**, for activities that involve pile driving in the Seaplane Lagoon; **Mitigation Measures 4.E-1b, 4.E-1c, 4.E-1d, and 4.E-2c**, for in-water construction activities Seaplane Lagoon or San Francisco Bay; and **Mitigation Measures 4.E-1f and 4.E-1g**, for demolition of buildings or removal of trees. **Mitigation Measures 4.E-3a, 4.E-3b, and 4.E-3c** are required for work near jurisdictional waters. In addition, **Mitigation Measures 4.E-4b, 4.E-4c, and 4.E-4f** related to bird strikes, breeding birds, and refuse containers would apply to the project. **Mitigation Measures 4.E-5, 4.E-6, and 4.E-7** would also apply to the project.

The amendments to the Site A Development Plan do not affect any portions of the plan adjacent to the water or in the water.

Based on an examination of the analysis, findings, and conclusions of the Alameda Point EIR, and on the discussion above, development of Site A would not substantially increase the severity of the less-than-significant biological resources impacts identified in the Alameda Point EIR, nor would it result in new significant biological impacts that were not identified in the Alameda Point EIR.

	Equal or Less Severity of Impact than Previously Identified in Alameda Point EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
6. Air Quality and Greenhouse Gases Would the project:			
a. Conflict with or obstruct implementation of the applicable air quality plan;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. Air Quality and Greenhouse Gases Would the project:	Equal or Less Severity of Impact than Previously Identified in Alameda Point EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Findings of the Alameda Point EIR

The Alameda Point EIR determined that the redevelopment and reuse of NAS Alameda could result in significant air quality impacts due to construction activities (including demolition, excavation, and other construction activities), and to the generation of fugitive dust, toxic air contaminants (TACs), and air emissions from construction vehicles. Therefore, all construction activities, including the development of Site A, would require implementation of **Mitigation Measure 4.F-1a** (Fugitive Dust), **Mitigation Measure 4.F-1b** (Construction Exhaust), **Mitigation Measure 4.F-1c** (Demolition Controls), **Mitigation Measure 4.F-1d** (Toxic Air Contaminants and PM_{2.5}), and **Mitigation Measure 4.F-1e** (Delayed Occupancy). The EIR further determined that although localized emissions of fugitive dust and TACs would be reduced to less- than-significant levels with mitigation, project-level and cumulative construction air quality impacts from regional ozone precursors (reactive organic gas [ROG] and oxides of nitrogen) would remain significant and unavoidable even with the implementation of these measures, due to uncertainty of the scheduling and phasing of development at Alameda Point and the potential for the overlap of project construction activities.

The EIR also determined that the development of NAS Alameda could result in significant operational air quality impacts due to an increase in emissions sources—including on-site area and energy sources (e.g., natural gas combustion for space and water heating, landscape maintenance, and use of consumer products such as hairsprays, deodorants, and cleaning products), and exhaust emissions from on-road vehicle traffic associated with the proposed land uses on the project site. Therefore, all development at Alameda Point will be required to comply with **Mitigation Measure 4.F-2** (Greenhouse Gas Reduction Measures), which includes design requirements (including Green Building Code standards) to minimize the generation of ROG, particulate matter less than or equal to 10 microns in diameter, and particulate matter less than or equal to 2.5 microns in diameter; and also requires the preparation of a TDM program, and participation by

all sponsors of development at Alameda Point. However, to be conservative the APP EIR determined that the potential increase in traffic-generated air emissions would be a significant and unavoidable project-level and cumulative impact.

The EIR identified **Mitigation Measure 4.F-4** (Implement Mitigation Measures 4.F-1a, 4.F-1b, and 4.F-1e), **Mitigation Measure 4.F-7a** (Implement Mitigation Measure 4.F-2), **Mitigation Measure 4.F-7b** (Fuel-Efficient Vehicles), and **Mitigation Measure 4.F-8** (Implement Mitigation Measures 4.F-2 and 4.F-7b) to address other significant air quality impacts. The EIR determined that all remaining air quality impacts (including the exposure of sensitive receptors to carbon monoxide concentrations, the creation of objectionable odors, or the obstruction of the applicable air quality plan) would be less than significant.

Site A Development Plan Amendments

The proposed amendments to the Site A Development Plan allow for an increase in multifamily units on blocks that had previously been planned for commercial development. The proposed revisions are consistent with the Alameda General Plan 2040 growth projections, consistent with the Alameda Point Town Center Specific Plan and Zoning Ordinance, consistent with the Bay Area Sustainable Communities Strategy, and consistent with the State of California's determination of the City of Alameda's Regional Housing Needs Allocation for the upcoming 8 year cycle. Furthermore, the plan does not displace an existing residents or include the demolition of any existing housing units.

Based on the Alameda Point EIR Figure 4.F-1, sensitive receptors are located to the east of Site A/east of Main Street, and north of Site A/north of West Tower Street. There are currently no sensitive receptors in Site A; however, with phased development, sensitive receptors would occupy portions of Site A.

Buildout of the proposed Site A project would result in residential units and retail, commercial, and hotel uses. The land uses, densities, and general location of these uses would be consistent with the project evaluated in the Alameda Point EIR. In addition, the amount of development proposed for Site A would be less than the total project analyzed in the Alameda Point EIR. As described in the qualitative air quality and GHG assessment prepared for the proposed project, total buildout of Site A overall, as well as for each of the three proposed phases of development individually, the proposed project would not result in a greater amount of development (in terms of building square footage) or a greater rate of construction when compared to the project analyzed in the Alameda Point EIR (see Attachment B). In addition, the proposed project would not locate new sensitive receptors substantially closer to TAC emission sources or odor sources compared to the Alameda Point full project buildout scenario analyzed in the Alameda Point EIR; and would not result in greater TAC sources and odor sources, or locate these sources closer to existing sensitive receptors when compared to the project evaluated in the Alameda Point EIR.

Therefore, the emissions associated with the construction and operation of Site A were adequately described in the Alameda Point EIR. Development of Site A would require implementation of **Mitigation Measures 4.F-1a through 1-e, 4.F-2, 4.F-4, 4.F-7a, and 4.F-8**. The City of Alameda is responsible for implementing **Mitigation Measure 4.F-7b**.

Based on an examination of the analysis, findings, and conclusions of the Alameda Point EIR, and on the discussion above, development of Site A would not substantially increase the severity of significant air quality or greenhouse gas (GHG) impacts identified in the Alameda Point EIR, nor would it result in new significant air quality or GHG impacts that were not identified in the Alameda Point EIR.

7. Noise Would the project result in:	Equal or Less Severity of Impact than Previously Identified in Alameda Point EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies; <ul style="list-style-type: none"> • An increase in noise exposure of 4 or more dB if the resulting noise level would exceed that described as normally acceptable for the affected land use, as indicated in Table 8-1 (Table 4.G-3 above). • Any increase of 6 dB or more, due to the potential for adverse community response. • When evaluating noise impacts associated with new residential development, exposure to traffic noise in outdoor yard spaces shall not be considered a significant impact. (<i>Policy 8.7.h</i>); 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Exposure of people residing or working in the area around the project site to excessive noise levels (for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport); or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Exposure of people residing or working in the area around the project site to excessive noise levels (for a project within the vicinity of a private airstrip).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Findings of the Alameda Point EIR

The Alameda Point EIR determined that the Alameda Point project could result in significant project-level and cumulative noise impacts. Even with implementation of Mitigation Measure 4.G-1a (Construction Hours), Mitigation Measure 4.G-1b (Construction Noise Measures), Mitigation Measure 4.G-1c (Pile-Driving Noise Attenuation Measures), and Mitigation Measure 4.G-1d (Complaint Tracking), the EIR determined that the redevelopment and reuse of NAS Alameda would result in significant and unavoidable project-level impacts due to construction noise.

Impacts related to ground borne construction vibration, ground borne construction noise, non-transportation- related operations, and the placement of noise-sensitive residential uses in noisy environments would be reduced to less-than-significant levels with implementation of Mitigation Measure 4.G-2 (Implement Mitigation Measures 4.G-1a through 4.G-1d), Mitigation Measure 4.G-4 (Noise Ordinance), and Mitigation Measure 4.G-5 (Noise Study and Design Measures).

In addition, project-level and cumulative transportation-related operations noise impacts would be significant and unavoidable, even with implementation of **Mitigation Measure 4.G-3** (Implement Mitigation Measure 4.C-2a) and **Mitigation Measure 4.G-6** (Implement Mitigation Measures 4.G-3 and 4.G-5).

Site A Development Plan Amendments

Existing noise-sensitive uses (such as residences and schools) are present north of Site A, near Pearl Harbor Road and West Essex Drive, as well as east of Main Street outside the Alameda Point project area. Other existing noise-sensitive uses near Site A include the Alameda Point Multi-Purpose Field and City View Skate Park, both north of Site A. As described in the Alameda Point EIR, these noise-sensitive uses could be negatively impacted by construction activities at Site A. Therefore, the construction activities at Site A would be required to implement the above-described construction mitigation measures, including **Mitigation Measures 4.G-1a through 4.G-1d and 4.G-2** (if pile driving is required).

The development of Site A would result in an increase in transportation- and non-transportation-generated noise sources over existing conditions. The potential increase in noise associated with an increase in traffic volumes caused by the development of Site A was accounted for in the noise analysis included in the Alameda Point EIR. In addition, the analysis for the increase in non-transportation-generated noise included assumptions for the types of development proposed for Site A. Therefore, the development of Site A would be required to implement **Mitigation Measures 4.G-3 and 4.G-6** to reduce transportation-related noise levels, and **Mitigation Measure 4.G-4** to minimize noise from stationary sources.

Existing and proposed noise sources, including loading docks, traffic, and the sports complex were accounted for in the Alameda Point EIR and would be as analyzed therein. Long-term noise measurements in the vicinity of the area proposed for development in Site A indicate that the existing ambient noise environment at Site A is greater than 60 A-weighted decibels (dBA), community noise equivalent level. An exterior noise level of 60 dBA or greater would result in potentially incompatible interior noise levels for new sensitive receptors. Therefore, per **Mitigation Measure 4.G-5**, a detailed noise study to determine applicable design measures to achieve acceptable interior noise levels at new residences would be required.

Based on an examination of the analysis, findings, and conclusions of the Alameda Point EIR, and on the discussion above, development of Site A would not substantially increase the severity of significant noise impacts identified in the Alameda Point EIR, nor would it result in new significant noise impacts that were not identified in the Alameda Point EIR.

8. Geology, Soils, and Seismicity Would the project:	Equal or Less Severity of Impact than Previously Identified in Alameda Point EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault;			
ii) Strong seismic ground-shaking;			
iii) Seismic-related ground failure, including liquefaction; and/or			
iv) Landslides.			
b. Result in substantial soil erosion or the loss of topsoil;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code creating substantial risks to life or property; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Findings of the Alameda Point EIR

The Alameda Point EIR determined that the Alameda Point project could have significant project-level and cumulative impacts on geology, soils, and seismicity, due to seismic conditions (including structural damage, seismically induced ground failure, liquefaction, lateral spreading, and earthquake-induced settlement and landslides) and the presence of unstable, compressible, and/or expansive soils. The Alameda Point EIR included **Mitigation Measure 4.H-1** (Geotechnical Investigation), **Mitigation Measure 4.H-2** (Geotechnical Mitigation), **Mitigation Measure 4.H-3** (Slope Stability Plan), **Mitigation Measure 4.H-4** (Settlement Mitigation), and **Mitigation Measure 4.H-5** (Expansive Soils Assessment), requiring the completion of a site-specific, design-level geotechnical investigation for all development on the project site. The mitigation measures also described the scope of the geotechnical investigation, and a requirement for the development of appropriate engineering techniques to reduce potentially adverse geologic effects. Implementation of these required mitigation measures would reduce the significant impacts to less-than-significant levels.

Site A Development Plan Amendments

Site A is relatively flat, with very little topographical relief, and is generally not susceptible to landslides. It is not within 50 feet of the northern shoreline, and is not considered to have static slope stability issues. However, Site A is underlain by artificial fill and Bay Mud, which is generally susceptible to subsidence or settlement. Subsidence related to consolidation of Bay Mud beneath fill and foundation settlement, and

directly related to site-specific structural building loads, could affect structures proposed as part of the development of Site A. In addition, the site is in an area of high seismic activity. The proposed project would develop Site A with land uses, building types, building heights, and densities consistent with the project evaluated in the Alameda Point EIR. **Mitigation Measures 4.H-1, 4.H-2, 4.H-4, and 4.H-5** would apply to Site A, and a design-level geotechnical investigation and related mitigations and recommendations would be required.

Based on an examination of the analysis, findings, and conclusions of the Alameda Point EIR, and on the discussion above, development of Site A would not substantially increase the severity of significant geology, soils, or seismicity impacts identified in the Alameda Point EIR, nor would it result in new significant geology, soils, or seismicity impacts that were not identified in the Alameda Point EIR.

9. Hydrology and Water Quality Would the project:	Equal or Less Severity of Impact than Previously Identified in Alameda Point EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area through the alteration of the course of a stream or river, or by other means, in a manner that would result in substantial erosion or siltation on- or off-site or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off- site;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Create or substantially contribute to runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Place housing or other improvements within a 100-year flood hazard zone as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard map or impede or redirect flood flows;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Findings of the Alameda Point EIR

The Alameda Point EIR determined that the Alameda Point project would have less-than-significant project-level and cumulative hydrology and water quality impacts associated with dewatering during construction, fertilizer use on landscaped areas, placing housing and other structures in areas subject to flooding, and flooding as a result of sea-level rise, with incorporation of **Mitigation Measure 4.I-1** (Water Quality Measures), **Mitigation Measure 4.I-2** (Integrated Pest Management), **Mitigation Measure 4.I-6** (Flood Protection Measures), and **Mitigation Measure 4.I-8** (Sea-Level Protection), described below.

Other potential hydrology and water quality impacts would be less than significant, and would not require mitigation. The Alameda Point project could result in on-land and in-water construction activities that would be subject to San Francisco Bay Regional Water Quality Control Board (RWQCB) requirements; which, as part of the General Construction Permit, would include preparation and execution of a Storm Water Pollution Prevention Plan that would outline construction storm water quality management practices, likely based on the Alameda County Clean Water Program Storm Water Quality Management Plan. For in-water construction, a project sponsor would be required to obtain permits from the U.S. Army Corps of Engineers, RWQCB, San Francisco Bay Conservation and Development Commission, and the City of Alameda, which would include measures to protect water quality during construction. Development projects would be required to implement storm water management measures on site, as well as install a new storm water system throughout the project site to collect and convey storm water flows through new outfall structures, thereby minimizing the impact related to increased runoff.

Site A Development Plan Amendments

As described in the MIP, the elevation on Alameda Point ranges from 1 foot to 8 feet, with areas immediately along the Seaplane Lagoon and extending along Ferry Point within Site A that are in the 100-year tide zone, and therefore vulnerable to flooding. Areas generally between West Trident Avenue and West Atlantic Avenue are also in the 100-year tide, plus 24-inch sea-rise zone, and are therefore also vulnerable. The Site A project includes flood and sea-level rise protection improvements that are consistent with the requirements established in the MIP, described under Project Description, above, which would provide protection for up to 24 inches of future sea-level rise. This level of protection would exceed the level of protection required per the Alameda Point EIR, for 18 inches of future sea-level rise. These improvements, along with other components of the project, such as docks and storm water outfalls, would involve in-water construction.

The proposed project would involve construction of new buildings. These activities, including the in-water construction described above, are within the scope of the project evaluated in the Alameda Point EIR. The Development Plan amendments do not affect any of the portions of the Site A Plan adjacent to or in the water.

The new utilities, including storm drains, flood, and sea-level-rise protection, implementation of Low-Impact Development in compliance with Provision C.3 of the NPDES, and the net increase in impervious surfaces, would reduce impacts to water quality. In addition, **Mitigation Measure 4.I-1** and **Mitigation Measure 4.I-2** would apply to the project; the City of Alameda is responsible for implementing **Mitigation Measure 4.I-8**.

Based on an examination of the analysis, findings, and conclusions of the Alameda Point EIR, and on the discussion above, development of Site A would not substantially increase the severity of significant hydrology and water quality impacts identified in the Alameda Point EIR, nor would it result in new significant hydrology and water quality impacts that were not identified in the Alameda Point EIR.

10. Hazards and Hazardous Materials Would the project:	Equal or Less Severity of Impact than Previously Identified in Alameda Point EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Result in a safety hazard for people residing or working in the project site vicinity for a project within the vicinity of a private airstrip;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Findings of the Alameda Point EIR

The Navy has been undertaking “necessary measures to meet the requirements and notifications for hazardous substances, petroleum products, and other regulated materials necessary for an environmentally suitable transfer of the site to the City of Alameda.” These measures have included a process to “identify, analyze, and clean up any releases of hazardous materials and wastes associated with past Navy operations.” These measures and activities will continue after transfer of the former NAS Alameda to the City of Alameda, until regulatory closure is received.

However, because of the long history of industrial and naval uses of the site, the EIR determined that potentially significant impacts would result from the demolition of existing structures (due to the potential for the structures to contain hazardous building materials) and new construction (due to the disturbance of contaminated soils and groundwater). Therefore, construction activities would require compliance with **Mitigation Measure 4.J-1a** (Hazardous Building Material Assessment), **Mitigation Measure 4.J-1b** (Health and Safety Plan), **Mitigation Measure 4.J-1c** (LBP Removal Plan), **Mitigation Measure 4.J-1d** (Asbestos Abatement Plan), **Mitigation Measure 4.J-1e** (PCB Abatement), **Mitigation Measure 4.J-2** (Site Management Plan), and **Mitigation Measure 4.J-7** (Land-Use Restriction Tracking Program). Included in these measures are requirements for the completion of a hazardous building material assessment, and implementation of recommendations included therein prior to the start of demolition activities; preparation of a Site Management Plan by the City of Alameda for incorporation into construction specifications; and a requirement that the City of Alameda include closed and open Installation Restoration (IR) Comprehensive Environmental Response, Compensation, and Liability Act sites that have land-use controls within its Land-Use Restriction Tracking Program. The EIR determined that implementation of these mitigation measures would reduce all significant hazards and hazardous materials impacts to a less-than-significant level.

Site A Development Plan Amendments

As described in the project description, a Finding of Suitability to Transfer (FOST) for the project site was completed on February 13, 2013; it covers a large portion of Alameda Point, and addresses areas of the former base outside of the FOST area, including some of the parcels in Site A. As designated under the Department of Defense’s IR Program (an initiative to identify, investigate, and clean up hazardous waste sites on former military bases), Site A includes all or portions of IR 3 (Abandoned Fuel Storage Area), IR 4 (Building 360 [Aircraft Engine Facility]), IR 11 (Building 14 [Engine Test Cell]), IR 17 (Seaplane Lagoon), IR 21 (Building 162 [Ship Fitting and Engine Repair]), and IR 35 (Areas of Concern in Transfer parcel EDC-5). In addition, a few areas along the Seaplane Lagoon in Site A are suspected to be radiologically contaminated, with open status and unrestricted release status.

Most of Site A is subject to the City of Alameda’s Marsh Crust Ordinance (City of Alameda General Ordinance No. 2824), which requires notification and permit requirements for excavations that may encounter a layer of deposits that commonly contain petroleum-related substances. The Marsh Crust Ordinance applies to excavations deeper than 5 feet in some areas of Site A, and deeper than mean high tide in other areas of Site A.

Site disturbance could disturb or release contaminated soil and/or groundwater, exposing construction workers, the public or the environment to hazardous materials. Numerous requirements described in the Alameda Point EIR for protecting people and the environment, including a Site Management Plan, that must be approved by the U.S. Environmental Protection Agency, California Department of Toxic Substances Control, and the RWQCB, and included in construction specifications, would address impacts.

As described in the Alameda Point EIR, with the continued remediation efforts currently being conducted by the Navy and any that would be assumed by the City as overseen by the California Department of

Toxic Substances Control or the RWQCB—combined with the City’s tracking system, continued compliance with deed restrictions, Site Management Plans, mitigation measures, and other permit requirements (including adherence to the Marsh Crust Ordinance)—the potential for residual contamination to significantly impact residents, employees, or the general public would be minimized, and is considered less than significant with mitigation. In addition, the proposed land uses and densities for Site A are consistent with the project evaluated in the Alameda Point EIR. **Mitigation Measures 4.J-1a through 4.J-1e, 4.J-2, and 4.J-7** would apply to Site A.

Based on an examination of the analysis, findings, and conclusions of the Alameda Point EIR, and on the discussion above, development of Site A would not substantially increase the severity of significant Hazards or Hazardous Materials impacts identified in the Alameda Point EIR, nor would it result in new significant Hazards or Hazardous Materials impacts that were not identified in the Alameda Point EIR.

11. Aesthetics Would the project:	Equal or Less Severity of Impact than Previously Identified in Alameda Point EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Have a substantial adverse effect on a scenic vista;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources within a state scenic highway;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Findings of the APP EIR

The Alameda Point EIR determined that the Alameda Point project would have less-than-significant project-level and cumulative impacts on visual quality related to effects on scenic vistas, scenic resources, or the existing visual character of the project site. In addition, the EIR determined that development of the Alameda Point project, which could result in potentially significant new sources of light and glare, would be reduced to less-than-significant levels by implementation of **Mitigation Measure 4.K-4** (Lighting Mitigation), requiring that all lighting installations be designed and installed to be fully shielded (full cutoff), and to minimize glare and obtrusive light by limiting outdoor lighting.

Views of the project area are not sensitive, nor are there any officially designated scenic highways in or near the project site. The EIR determined that buildout of Alameda Point would create a generally beneficial aesthetic impact compared to existing conditions, by renovating or removing many vacant deteriorating buildings, eliminating open expanses of pavement, creating a greater continuity of land use, and introducing new public views and park and recreation areas to new residents and employees.

Site A Development Plan Amendments

As described under Section 2.2, above, the proposed project would be consistent with the uses and densities of development envisioned in the Town Center Plan, including the established building height limit of up to 65 feet for the Town Center and Waterfront Town Center Sub-district. Furthermore, all development under the proposed project would be subject to Design Review pursuant to the City of Alameda's General Plan polices and Design Review Ordinance, Sections 30-36 and 30-37. According to the Alameda Point EIR, implementation of the planning and design controls included in the Alameda Point project, and as required by Sections 30-36 and 30-37, would provide for the improvement of on-site aesthetics, and would also ensure that the project would not substantially obscure on-site views of the Bay, or alter views of the Historic District from existing scenic corridors. The proposed project would preserve and maintain views, including of Seaplane Lagoon, consistent with the guidelines of the Town Center Plan's Transit Village Center Guidelines, by providing: a public plaza a minimum of 1 acre in size that extends from Pan Am Way to the waterfront, with a minimum width of 150 feet; building setbacks along the Seaplane Lagoon ranging from 32 to 200 feet; a view corridor along the centerline of Building 77 that extends to Seaplane Lagoon and is approximately 120 feet in width, with a minimum uninterrupted width of 40 feet; and a view corridor extending along the RAMP right-of-way ranging from 83 to 105 feet. **Mitigation Measure 4.K-4** would apply to the proposed project.

Based on an examination of the analysis, findings, and conclusions of the Alameda Point EIR, and on the discussion above, development of Site A would not substantially increase the severity of significant aesthetics impacts identified in the Alameda Point EIR, nor would it result in new significant aesthetics impacts that were not identified in the Alameda Point EIR.

12. Public Services and Recreation Would the project:	Equal or Less Severity of Impact than Previously Identified in Alameda Point EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services: <ul style="list-style-type: none"> • Fire protection; • Police protection; • Schools; • Parks; and • Other public facilities. 	☒	☐	☐

12. Public Services and Recreation Would the project:	Equal or Less Severity of Impact than Previously Identified in Alameda Point EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
b. Increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Findings of the Alameda Point EIR

The Alameda Point EIR determined that the Alameda Point project would have less-than-significant project-level and cumulative public services and recreation impacts related to physical deterioration of recreation facilities caused or accelerated by their increased use; potential adverse physical effects on the environment from construction or expansion of recreation facilities; and potential substantial adverse physical impacts from construction of governmental facilities, such as those related to fire protection, police protection, schools, and parks. Therefore, no mitigation measures related to potential public services and recreation impacts were required.

Site A Development Plan Amendments

The development of Site A could result in increased demand for police services, fire services, and schools, due to an increase in population within the City of Alameda boundaries. As described in the Alameda Point EIR, the project sponsor would be required by the City of Alameda's Fiscal Neutrality Policy to fund the proportional share of the cost of additional fire and emergency medical services, police services, and related infrastructure, as well as pay development fees to the Alameda Unified School District to mitigate potential impacts from an increase in students. The project would also have to comply with applicable code requirements, including the California Building Code, California Fire Code, Alameda Fire Code, and Alameda Municipal Code.

Development of Site A would include construction of approximately 10 acres park and open-space areas.

The amount of residential, retail, commercial, and hotel uses planned for Site A is less than the total 1,425 residential units and approximately 5.5 million square feet of commercial facilities that were anticipated in the Alameda Point EIR and under the amount of daytime, permanent, and school populations anticipated for the Alameda Point project in the Alameda Point EIR.

Based on an examination of the analysis, findings, and conclusions of the Alameda Point EIR, and on the discussion above, development of Site A would not substantially increase the severity of the less-than-significant public services and recreation impacts identified in the Alameda Point EIR, nor would it result in new significant public services and recreation impacts that were not identified in the Alameda Point EIR.

13. Utilities and Service Systems Would the project:	Equal or Less Severity of Impact than Previously Identified in Alameda Point EIR	Substantial Increase in Severity of Previously Identified Significant Impact in EIR	New Significant Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Have insufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Not comply with federal, state, and local statutes and regulations related to solid waste.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Findings of the Alameda Point EIR

The Alameda Point EIR determined that, with implementation of **Mitigation Measure 4.M-5** (Solid Waste Management Plan), the APP would have less-than-significant project-level and cumulative utilities and service systems impacts related to wastewater treatment requirements of the San Francisco Bay RWQCB; construction or expansion of wastewater or storm water drainage facilities; water supplies, wastewater treatment capacity, or landfill capacity; and regulations related to solid waste.

EBMUD prepared a water supply assessment for the Alameda Point project, and determined that the increased demand of

1.9 million gallons of water per day associated with the project is accounted for in EBMUD's 2040 water demand projection. In addition, EBMUD's Municipal Wastewater Treatment Plant has enough excess dry weather flow capacity to accommodate the development analyzed in the EIR; however, it has inadequate wet weather capacity. The Alameda Point project would replace the existing on-site wastewater collection system, including sewer lines, which would substantially reduce inflow and infiltration entering the system during wet weather conditions, and would help provide adequate wet weather capacity. As

described in the Alameda Point EIR Project Description, development projects would be required to contribute to the funding of infrastructure improvements through the Alameda Point Infrastructure Fee Program, which has been codified in a Development Impact Fee Ordinance for Alameda Point (Ord. No. 3098 N.S., 7-15-2014).

The Alameda Point EIR estimated that the redevelopment of NAS Alameda would generate 416,666 cubic yards of debris from the deconstruction and demolition of existing buildings. Adequate landfill capacity exists to accept this waste. However, development projects would be required to implement **Mitigation Measure 4.M-5**.

Site A Development Plan Amendments

The proposed Site A development plan is less than development program anticipated in the Alameda Point EIR. In addition, the project is constructing new and replacement infrastructure, including storm water, water, wastewater, recycled water, electrical, natural gas, and telecommunications systems improvements. The increased demand for water supplies, increased demand for wastewater and landfill capacity, and increased demand for electrical and other utilities for the development of Site A is under the amount of demand for services analyzed in the Alameda Point EIR. In addition, the amount of existing buildings that would be demolished on Site A, which is well within the 4.5 million square feet of demolition anticipated in the Alameda Point EIR. Development of Site A would require implementation of **Mitigation Measure 4.M-5**.

Based on an examination of the analysis, findings, and conclusions of the Alameda Point EIR, and on the discussion above, development of Site A would not substantially increase the severity of significant utilities and service systems impacts identified in the Alameda Point EIR, nor would it result in new significant utilities and service systems impacts that were not identified in the Alameda Point EIR.

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MITIGATION MEASURES APPLICABLE TO PROPOSED SITE A DEVELOPMENT IN ALAMEDA POINT					
Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule	Notes
C. Transportation and Circulation					
Mitigation Measure 4.C-1 (Construction Management Plan): The City shall require that project applicant(s) and construction contractor(s) develop a Construction Management Plan for review and approval by the Public Works Department prior to issuance of any permits. The Plan shall include at least the following items and requirements to reduce traffic congestion during construction: 1. A set of comprehensive traffic control measures shall be developed, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. 2. The Construction Management Plan shall identify haul routes for movement of construction vehicles that would minimize impacts on motor vehicle, bicycle, and pedestrian traffic, circulation, and safety, and specifically to minimize impacts, to the greatest extent possible, to streets in and around the Alameda Point project site. The haul routes shall be approved by the City. 3. The Construction Management Plan shall provide for notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur. 4. The Construction Management Plan shall provide for monitoring surface streets used for haul routes so that any damage and debris attributable to truck hauling can be identified and corrected by the project applicant.	Project applicant and its contractor(s) obtain approval of Construction Management Plan and implement the plan during construction.	City of Alameda Public Works Department	Public Works Department must review and approve Construction Management Plan	Prior to issuance of building or grading permit(s); inspect during construction	
Mitigation Measure 4.C-2a (TDM Program): Prior to issuance of building permits for each development project at Alameda Point, the City of Alameda shall prepare, and shall require that the sponsor of the development project participate in implementation of, a Transportation Demand Management (TDM) program/plan for Alameda Point aimed at meeting the General Plan peak-hour trip reduction goals of 10 percent for residential development and 30 percent for commercial development.	Project applicant shall implement the Transportation Demand Management (TDM) program/plan prepared by the City of Alameda.	City of Alameda Community Development Department	City of Alameda Community Development Department shall require implementation of TDM program.	Prior to issuance of building permit(s)	Although it is the City of Alameda's responsibility to implement this measure, all Alameda Point project applicants will be required to participate in the Transportation Demand Management (TDM) program developed by the City.
Mitigation Measure 4.C-2b (Monitoring): Prior to issuance of the first building permits for any development project at Alameda Point, the City of Alameda shall adopt a Transportation Network Monitoring and Improvement Program to: 1) determine the cost of the transportation network improvements identified in this EIR; 2) identify appropriate means and formulas to collect fair share financial contributions from Alameda Point development; 3) monitor conditions at the locations that will be impacted by the redevelopment of Alameda Point; 4) monitor traffic generated by Alameda Point; and 5) establish the appropriate time to implement any necessary secondary physical improvements required in this EIR to minimize or eliminate significant transportation impacts prior to the impacts occurring at affected locations where a secondary impact mitigation is recommended.	City of Alameda shall require Project applicant to fund a fair-share of the total cost of the improvements, as stated in Mitigation Measure 4.C-2c, and, if determined necessary after implementation of Mitigation Measures 4.C-2a and 4.C-2b, the City shall be responsible for ensuring implementation of the improvements at the appropriate time.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and improvements at appropriate time.	Prior to issuance of building permit(s) for collection of funds for fair-share of total cost and prior to impact occurring for implementation of the improvements, if necessary	It is the City of Alameda's responsibility to implement this measure prior to issuance of a building permit for the first development project at Alameda Point. All Alameda Point project applicants will subsequently be required to pay the fair-share financial contribution identified during the implementation of Mitigation Measure 4.C-2b.
Mitigation Measure 4.C-2c (Otis/Fernside): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and C-2b) and, when and if required to avoid the impact or reduce its severity, shall implement the following improvements: Remove the right turn island for the westbound approach on Otis Drive, add a dedicated right turn lane with approximately 50 feet of storage length, and move the westbound stop-bar upstream approximately 20 feet to accommodate the right turn lane storage length. Restripe Fernside Boulevard with two receiving lanes. Optimize signal timing.	City of Alameda shall require Project applicant to fund a fair-share of the total cost of the improvements, as stated in Mitigation Measure 4.C-2c, and, if determined necessary after implementation of Mitigation Measures 4.C-2a and 4.C-2b, the City shall be responsible for ensuring implementation of the improvements at the appropriate time.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and improvements at appropriate time.	Prior to issuance of building permit(s) for collection of funds for fair-share of total cost and prior to impact occurring for implementation of the improvements, if necessary	Applies to intersection of Fernside Boulevard/ Otis Drive Although it is the City of Alameda's responsibility to implement this measure, all Alameda Point project applicants may be required to pay a fair-share financial contribution for this improvement, which will be determined during the City's implementation of Mitigation Measure 4.C-2b.
Mitigation Measure 4.C-2d (Jackson/Sixth): The City of Alameda shall implement Mitigation Measures 4.C-2a (TDM Program).	Project applicant shall implement TDM program	City of Alameda Community Development Department	City of Alameda Community Development Department shall require implementation of TDM program	Prior to issuance of building permit(s)	Applies to intersection of Jackson/Sixth Streets See Mitigation Measure 4.C-2a.
Mitigation Measure 4.C-2e (Brush/11th): The City of Alameda shall implement Mitigation Measures 4.C-2a (TDM Program).	Project applicant shall implement TDM program	City of Alameda Community Development Department	City of Alameda Community Development Department shall require implementation of TDM program.	Prior to issuance of building permit(s)	Applies to intersection of Brush/11th Streets See Mitigation Measure 4.C-2a.
Mitigation Measure 4.C-2f (23rd/Seventh): The City of Alameda shall implement Mitigation Measures 4.C-2a (TDM Program) and 4.C-2b (Monitoring).	Project applicant shall implement TDM program	City of Alameda Community Development Department	City of Alameda Community Development Department shall require implementation of TDM program.	Prior to issuance of building permit(s)	Applies to intersection of 23rd Street and Seventh Street See Mitigation Measures 4.C-2a and 4.C-2b.

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule	Notes
Mitigation Measure 4.C-2g (Main/Pacific Pedestrian): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and C-2b) and, when required to avoid the impact or reduce its severity, shall implement the following physical improvements: change the signal timing to a two-phase timing plan (i.e., northbound and southbound move concurrently; then eastbound and westbound move concurrently); and optimize cycle length.	City of Alameda shall require Project applicant to fund a fair-share of the total cost of the improvements, as stated in Mitigation Measure 4.C-2g, and, if determined necessary after implementation of Mitigation Measures 4.C-2a and 4.C-2b, the City shall be responsible for ensuring implementation of the improvements at the appropriate time.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and improvements at appropriate time.	Prior to issuance of building permit(s) for collection of funds for fair-share of total cost and prior to impact occurring for implementation of the improvements, if necessary	Applies to intersection of Main Street and Pacific Avenue See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-2h (Webster/Arpezzato Parkway Pedestrian): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and C-2b) and, when required to avoid the impact or reduce its severity, shall optimize the signal timing during the p.m. peak hour.	City of Alameda shall require Project applicant to fund a fair-share of the total cost of signal optimization, as stated in Mitigation Measure 4.C-2h, and, if determined necessary after implementation of Mitigation Measures 4.C-2a and 4.C-2b, the City shall be responsible for ensuring implementation of the improvement at the appropriate time.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and improvement at appropriate time.	Prior to issuance of building permit(s) for collection of funds for fair-share of total cost and prior to impact occurring for implementation of the improvement, if necessary	Applies to intersection of Webster Street and Arpezzato Parkway See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-2i (Park/Otis Pedestrian): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and C-2b) and, when required to avoid the impact or reduce its severity, shall optimize the signal timing during the a.m. and p.m. and peak hours.	City of Alameda shall require Project applicant to fund a fair-share of the total cost of signal optimization, as stated in Mitigation Measure 4.C-2i, and, if determined necessary after implementation of Mitigation Measures 4.C-2a and 4.C-2b, the City shall be responsible for ensuring implementation of the improvement at the appropriate time.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and improvement at appropriate time.	Prior to issuance of building permit(s) for collection of funds for fair-share of total cost and prior to impact occurring for implementation of the improvement, if necessary	Applies to intersection of Park Street and Otis Drive See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-2j (Broadway/Tilden Pedestrian): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and C-2b) and, when required to avoid the impact or reduce its severity, shall optimize the signal timing during the a.m. and p.m. peak hours.	City of Alameda shall require Project applicant to fund a fair-share of the total cost of signal optimization, as stated in Mitigation Measure 4.C-2j, and, if determined necessary after implementation of Mitigation Measures 4.C-2a and 4.C-2b, the City shall be responsible for ensuring implementation of the improvement at the appropriate time.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and improvement at appropriate time.	Prior to issuance of building permit(s) for collection of funds for fair-share of total cost and prior to impact occurring for implementation of the improvement, if necessary	Applies to intersection of Broadway and Tilden Way See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-2k (High/Fernside Pedestrian): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and C-2b) and, when required to avoid the impact or reduce its severity, shall optimize the signal timing during the p.m. peak hour.	City of Alameda shall require Project applicant to fund a fair-share of the total cost of signal optimization, as stated in Mitigation Measure 4.C-2k, and, if determined necessary after implementation of Mitigation Measures 4.C-2a and 4.C-2b, the City shall be responsible for ensuring implementation of the improvement at the appropriate time.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and improvement at appropriate time.	Prior to issuance of building permit(s) for collection of funds for fair-share of total cost and prior to impact occurring for implementation of the improvement, if necessary	Applies to intersection of High Street and Fernside Boulevard See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-2l (Atlantic/Constitution Pedestrian): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and C-2b) and, when required to avoid the impact or reduce its severity, shall implement the following physical improvements: modify the phasing sequence and optimize the signal timing.	City of Alameda shall require Project applicant to fund a fair-share of the total cost of the improvements, as stated in Mitigation Measure 4.C-2l, and, if determined necessary after implementation of Mitigation Measures 4.C-2a and 4.C-2b, the City shall be responsible for ensuring implementation of the improvements at the appropriate time.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and improvements at appropriate time	Prior to issuance of building permit(s) for collection of funds for fair-share of total cost and prior to impact occurring for implementation of the improvements, if necessary	Applies to intersection of Atlantic Avenue and Constitution Way See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-2m (Stargell Avenue Bike): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and C-2b) and, when required to avoid the impact or reduce its severity, shall construct a Class I or Class II bicycle facility between Main Street and Webster Street.	City of Alameda shall require Project applicant to fund a fair-share of the total cost of the improvements, as stated in Mitigation Measure 4.C-2m, and, if determined necessary after implementation of Mitigation Measures 4.C-2a and 4.C-2b, the City shall be responsible for ensuring implementation of the improvement at the appropriate time.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and improvement at appropriate time	Prior to issuance of building permit(s) for collection of funds for fair-share of total cost and prior to impact occurring for implementation of the improvements, if necessary	Applies to Stargell Avenue See Mitigation Measures 4.C-2a and 4.C-2b.

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule	Notes
<p>Mitigation Measure 4.C-2n (Main Street Bike): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and C-2b) and, when required to avoid the impact or reduce its severity, shall implement the following physical improvements:</p> <p>construct a Class II bicycle lane or improve the existing Class I bicycle path on the west side of the street between Appezzato Parkway and Pacific Avenue to current City standards;</p> <p>provide connectivity to existing Class I bicycle path on the east and west sides of the street north of Appezzato Parkway. Appropriate intersection treatments for connectivity may include striping, signage, and/or bicycle boxes at the intersection of Main Street and Appezzato Parkway; and</p> <p>if Mitigation Measure 4.C-4c (described below) is implemented, provide connectivity to that bicycle facilities on west side of the street north of the Main Street-Pacific Street intersection.</p>	<p>City of Alameda shall require Project applicant to fund a fair-share of the total cost of the improvements, as stated in Mitigation Measure 4.C-2n, and, if determined necessary after implementation of Mitigation Measures 4.C-2a and 4.C-2b, the City shall be responsible for ensuring implementation of the improvements at the appropriate time.</p>	<p>City of Alameda Community Development Department</p>	<p>City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and improvements at appropriate time</p>	<p>Prior to issuance of building permit(s) for collection of funds for fair-share of total cost and prior to impact occurring for implementation of the improvements, if necessary</p>	<p>Applies to Main Street</p> <p>See Mitigation Measures 4.C-2a and 4.C-2b.</p>
<p>Mitigation Measure 4.C-2o (Central Avenue Bike): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and C-2b) and, when required to avoid the impact or reduce its severity, shall use its best efforts to implement the following physical improvements:</p> <p>construct a Class II bicycle lane or improve the existing Class I bicycle path on the west (south) side of the street between the Main Street-Pacific Street intersection and Lincoln Avenue to current City standards;</p> <p>extend a Class I bicycle path to Third Street; and</p> <p>restripe and sign the street segment between Third Street and Fourth Street to provide Class II bicycle lanes between Lincoln Avenue and Fourth Street.</p>	<p>City of Alameda shall require Project applicant to fund a fair-share of the total cost of the improvements, as stated in Mitigation Measure 4.C-2o, and, if determined necessary after implementation of Mitigation Measures 4.C-2a and 4.C-2b, the City shall be responsible for ensuring implementation of the improvements at the appropriate time.</p>	<p>City of Alameda Community Development Department</p>	<p>City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and improvements at appropriate time</p>	<p>Prior to issuance of building permit(s) for collection of funds for fair-share of total cost and prior to impact occurring for implementation of the improvements, if necessary</p>	<p>Applies to Central Avenue</p> <p>See Mitigation Measures 4.C-2a and 4.C-2b.</p>
<p>Mitigation Measure 4.C-5a (Park/Clement): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and C-2b) and, when required to avoid the impact or reduce its severity, fund a fair share contribution to implement the following physical improvements:</p> <p>Add northbound left turn pocket along Park Street;</p> <p>Optimize the signal offsets and splits; and</p> <p>Complete the Clement Avenue extension, which would reduce the demand for left turn movements onto Park Street from eastbound traffic on Clement Avenue.</p>	<p>City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a and 4.C-2b, and fund a fair-share of the portion of the cost of the improvements (as stated in Mitigation Measure 4.C-5a) attributable to the project.</p>	<p>City of Alameda Community Development Department</p>	<p>City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and collection of fair-share of funds.</p> <p>The northbound left-turn pocket along Park Street will be completed by ACTC as part of the I-880/23rd/29th Street project.</p>	<p>Prior to issuance of building permit(s)</p>	<p>Applies to intersection of Park/Clement</p> <p>See Mitigation Measures 4.C-2a and 4.C-2b.</p>
<p>Mitigation Measure 4.C-5b (Park/Encinal): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and C-2b) and, when required to avoid the impact or reduce its severity, fund a fair share contribution to implement the following improvement:</p> <p>Optimize offsets and splits.</p>	<p>City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a and 4.C-2b, and fund a fair-share of the portion of the cost of the improvement (as stated in Mitigation Measure 4.C-5b) attributable to the project.</p>	<p>City of Alameda Community Development Department</p>	<p>City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and collection of fair-share of funds.</p>	<p>Prior to issuance of building permit(s)</p>	<p>Applies to intersection of Park/Clement</p> <p>See Mitigation Measures 4.C-2a and 4.C-2b.</p>
<p>Mitigation Measure 4.C-5c: (Broadway/Otis): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and C-2b) and, when required to avoid the impact or reduce its severity, fund a fair share contribution to implement, the following improvement:</p> <p>Optimize the signal timing during both peak hours.</p>	<p>City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a and 4.C-2b, and fund a fair-share of the portion of the cost of the improvement (as stated in Mitigation Measure 4.C-5c) attributable to the project.</p>	<p>City of Alameda Community Development Department</p>	<p>City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and collection of fair-share of funds.</p>	<p>Prior to issuance of building permit(s)</p>	<p>Applies to intersection of Broadway/Otis</p> <p>See Mitigation Measures 4.C-2a and 4.C-2b.</p>
<p>Mitigation Measure 4.C-5d: (Tilden/Blanding/Fernside): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and C-2b) and, when required to avoid the impact or reduce its severity, fund a fair share contribution to implement the following improvement:</p> <p>Optimize the offsets and splits.</p>	<p>City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a and 4.C-2b, and fund a fair-share of the portion of the cost of the improvement (as stated in Mitigation Measure 4.C-5d) attributable to the project.</p>	<p>City of Alameda Community Development Department</p>	<p>City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and collection of fair-share of funds.</p>	<p>Prior to issuance of building permit(s)</p>	<p>Applies to intersection of Tilden/Blanding/Fernside</p> <p>See Mitigation Measures 4.C-2a and 4.C-2b.</p>
<p>Mitigation Measure 4.C-5e (High/Fernside): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and C-2b) and, when required to avoid the impact or reduce its severity, fund a fair share contribution to implement the following improvements:</p> <p>Adjust the signal cycle phasing during the a.m. and p.m. peak hours such that the southbound left turn from High Street is a permitted rather than protected movement; and</p> <p>Optimize signal timing.</p>	<p>City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a and 4.C-2b, and fund a fair-share of the portion of the cost of the improvements (as stated in Mitigation Measure 4.C-5e) attributable to the project.</p>	<p>City of Alameda Community Development Department</p>	<p>City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and collection of fair-share of funds.</p>	<p>Prior to issuance of building permit(s)</p>	<p>Applies to intersection of High/Fernside</p> <p>See Mitigation Measures 4.C-2a and 4.C-2b.</p>

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule	Notes
Mitigation Measure 4.C-5f (High/Otis): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and C-2b) and, when required to avoid the impact or reduce its severity, fund a fair share contribution to implement the following improvements: Optimize the signal timing at High and Otis for both peak hours, and Install traffic calming strategies on Bayview Drive to include improvements, such as: restriping Bayview Drive to create narrower driving lanes to reduce speeding, installing a cross walk and caution sign at the location of the public coastal access easement, and/or construction of sidewalk bulb-outs to improve pedestrian safety at the intersections of Bayview/Court Street and Bayview/Broadway.	City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a and 4.C-2b, and fund a fair-share of the portion of the cost of the improvements (as stated in Mitigation Measure 4.C-5f) attributable to the project.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and collection of fair-share of funds.	Prior to issuance of building permit(s)	Applies to intersection of High/Otis See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-5g (Island Drive/Otis Drive and Doolittle Drive): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and C-2b) and, when required to avoid the impact or reduce its severity, fund a fair share contribution to implement the following improvement: Optimize signal timing during both peak hours.	City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a and 4.C-2b, and fund a fair-share of the portion of the cost of the improvement (as stated in Mitigation Measure 4.C-5g) attributable to the project.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and collection of fair-share of funds.	Prior to issuance of building permit(s)	Applies to intersection of Island Drive/Otis Drive and Doolittle Drive See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-5h (Fernside Boulevard and Otis Drive): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and C-2b) and implement Mitigation Measure 4.C-2c (Otis/Fernside), and fund a fair share contribution to add a westbound right-turn overlap phase from Fernside Boulevard.	City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a, 4.C-2b, and 4.C-2c, and fund a fair-share of the portion of the cost of the improvement (as stated in Mitigation Measure 4.C-5h) attributable to the project.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, Mitigation Measure 4.C-2c (if necessary), and collection of fair-share of funds.	Prior to issuance of building permit(s)	Applies to intersection of Fernside Boulevard/Otis Drive See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-5i (Park/Blanding). The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and C-2b) and, when required to avoid the impact or reduce its severity, fund a fair share contribution to implement the following improvements: Change east-west signal phasing to protected phasing; and Optimize signal timing during both peak hours.	City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a and 4.C-2b, and fund a fair-share of the portion of the cost of the improvement (as stated in Mitigation Measure 4.C-5i) attributable to the project.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and collection of fair-share of funds	Prior to issuance of building permit(s)	Applies to intersection of Park/Blanding See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-5j (Challenger/Atlantic): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and 4.C-2b) and, when required to avoid the impact or reduce its severity, a fairshare to contribution optimize signal timing during the p.m. peak hour.	City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a and 4.C-2b, and fund a fair-share of the portion of the cost of the improvement (as stated in Mitigation Measure 4.C-5j) attributable to the project.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and collection of fair-share of funds	Prior to issuance of building permit(s)	Applies to intersection of Challenger/Atlantic See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-5k (Park/Lincoln): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and 4.C-2b) and, when required to avoid the impact or reduce its severity, the City shall fund a fairshare to optimize signal timing during the p.m. peak hour.	City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a and 4.C-2b, and fund a fair-share of the portion of the cost of the improvement (as stated in Mitigation Measure 4.C-5k) attributable to the project,	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and collection of fair-share of funds	Prior to issuance of building permit(s)	Applies to intersection of Park/Lincoln See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-5l (Jackson/Sixth): The City of Alameda shall implement TDM (Mitigation Measure 4.C-2a).	Project applicant shall implement TDM program.	City of Alameda Community Development Department	City of Alameda Community Development Department shall require implementation of TDM program	Prior to issuance of building permit(s)	Applies to intersection of Jackson/Sixth See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-5m (Webster/Eighth): The City of Alameda shall implement TDM (Mitigation Measure 4.C-2a).	Project applicant shall implement TDM program.	City of Alameda Community Development Department	City of Alameda Community Development Department shall require implementation of TDM program	Prior to issuance of building permit(s)	Applies to intersection of Webster/Eighth See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-5n (Broadway/Fifth): The City of Alameda shall implement TDM (Mitigation Measure 4.C-2a).	Project applicant shall implement TDM program.	City of Alameda Community Development Department	City of Alameda Community Development Department shall require implementation of TDM program.	Prior to issuance of building permit(s)	Applies to intersection of Broadway/Fifth See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-5o (Brush/12th): The City of Alameda shall implement TDM (Mitigation Measure 4.C-2a).	Project applicant shall implement TDM program.	City of Alameda Community Development Department	City of Alameda City of Alameda Community Development Department shall require implementation of TDM program.	Prior to issuance of building permit(s)	Applies to intersection of Brush/12th See Mitigation Measures 4.C-2a and 4.C-2b.

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule	Notes
Mitigation Measure 4.C-5p (High/Oakport): The City of Alameda shall implement TDM and Monitoring (Mitigation Measure 4.C-2a and 4.C-2b) and work with the City of Oakland to optimize the signal timing to allow for more green time for northbound traffic.	City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a and 4.C-2b, and fund a fair-share of the portion of the cost of the improvement (as stated in Mitigation Measure 4.C-5p) attributable to the project.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and collection of fair-share of funds.	Prior to issuance of building permit(s)	Applies to intersection of High/Oakport See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-5q (High/Coliseum): The City of Alameda shall implement TDM and Monitoring (Mitigation Measure 4.C-2a and 4.C-2b) and work with the City of Oakland to optimize the signal timing.	City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a and 4.C-2b, and fund a fair-share of the portion of the cost of the improvement (as stated in Mitigation Measure 4.C-5q) attributable to the project.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and collection of fair-share of funds.	Prior to issuance of building permit(s)	Applies to intersection of High/Coliseum See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-5r (29th/Ford): The City of Alameda shall implement TDM (Mitigation Measure 4.C-2a).	Project applicant shall implement TDM program.	City of Alameda Community Development Department	City of Alameda Community Development Department shall require implementation of TDM program.	Prior to issuance of building permit(s)	Applies to intersection of 29th/Ford See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-5s (23rd Ave./Seventh St.): The City of Alameda shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and 4.C-2b) and work with the City of Oakland to modify the northbound to provide a separate left – turn lane and a shared through-right-turn lane, and optimize the signal.	City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a and 4.C-2b, and fund a fair-share of the portion of the cost of the improvement (as stated in Mitigation Measure 4.C-5s) attributable to the project.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and collection of fair-share of funds	Prior to issuance of building permit(s)	Applies to intersection of 23rd Ave./Seventh St. See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-5t (Main/Pacific Pedestrian): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and 4.C-2b) and, when required to avoid the impact or reduce its severity, fund a fairshare contribution to change signal timing to two-phase timing plan (i.e., northbound and southbound move concurrently; then eastbound and westbound move concurrently) and optimize cycle length.	City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a and 4.C-2b, and fund a fair-share of the portion of the cost of the improvements (as stated in Mitigation Measure 4.C-5t) attributable to the project.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and collection of fair-share of funds.	Prior to issuance of building permit(s)	Applies to intersection of Main/Pacific See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-5u (Webster/Alpezzato Pedestrian): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and 4.C-2b) and, when required to avoid the impact or reduce its severity, fund a fair share contribution to optimize signal timing.	City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a and 4.C-2b, and fund a fair-share of the portion of the cost of the improvement (as stated in Mitigation Measure 4.C-5u) attributable to the project.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and collection of fair-share of funds.	Prior to issuance of building permit(s)	Applies to intersection of Webster/Alpezzato See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-5v (High/Fernside Pedestrian): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and 4.C-2b) and Mitigation Measure 4.C-5e (optimize signal timing during the p.m. peak hour).	City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a, 4.C-2b, and 4.C-5e.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and collection of fair-share of funds.	Prior to issuance of building permit(s)	Applies to intersection of High/Fernside See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-5w (Alpezzato/Constitution Pedestrian): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and 4.C-2b) and, when required to avoid the impact or reduce its severity, fund a fair share contribution to implement the following improvements: Modify phasing sequence; and Optimize the signal timing.	City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a and 4.C-2b, and fund a fair-share of the portion of the cost of the improvements (as stated in Mitigation Measure 4.C-5w) attributable to the project.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and collection of fair-share of funds	Prior to issuance of building permit(s)	Applies to intersection of Alpezzato/Constitution See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-5x (Park Street Transit): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and 4.C-2b) and, when required to avoid the impact or reduce its severity, fund a fair share contribution to implement the following improvements: Provide transit signal priority at intersections along this corridor; and Optimize splits at the Park Street and Blanding Avenue intersection during a.m. and p.m. peak hours.	City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a and 4.C-2b, and fund a fair-share of the portion of the cost of the improvements (as stated in Mitigation Measure 4.C-5x) attributable to the project.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and collection of fair-share of funds.	Prior to issuance of building permit(s)	Applies to Park Street See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-5y (Alpezzato Parkway Transit): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and 4.C-2b) and, when required to avoid the impact or reduce its severity, fund a fair share contribution to implement the following improvements: Install transit signal priority at intersections along this corridor; Optimize cycle length at the Alpezzato Parkway and Webster Street intersection during a.m. and p.m. peak hours and provide signal priority; and Establish exclusive transit lanes or queue jump lanes from Alameda Point to Webster Street.	City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a and 4.C-2b, and fund a fair-share of the portion of the cost of the improvements (as stated in Mitigation Measure 4.C-5y) attributable to the project.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and collection of fair-share of funds	Prior to issuance of building permit(s)	Applies to Alpezzato Parkway See Mitigation Measures 4.C-2a and 4.C-2b.

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule	Notes
Mitigation Measure 4.C-5z (Stargell Avenue Transit): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and 4.C-2b) and, when required to avoid the impact or reduce its severity, implement the following improvements: Provide westbound queue jump lanes on Willie Stargell Avenue at Main Street or construct exclusive transit lanes on Willie Stargell Avenue; Install transit signal priority at intersections along this corridor; and Optimize cycle length at the Main Street and Willie Stargell Avenue intersection during a.m. and p.m. peak hours.	City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a and 4.C-2b, and fund a fair-share of the portion of the cost of the improvements (as stated in Mitigation Measure 4.C-5z) attributable to the project.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and collection of fair-share of funds	Prior to issuance of building permit(s)	Applies to Stargell Avenue See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-5zi (Stargell Avenue Bike): The City shall implement Mitigation Measure 4.C-2m (Stargell Avenue bike path).	See Mitigation Measure 4.C-2m, above.				
Mitigation Measure 4.C-5zii: The City shall implement Mitigation Measure 4.C-2n (Main Street bicycle improvements).	See Mitigation Measure 4.C-2n, above.				
Mitigation Measure 4.C-5ziii (Central Avenue Bike): The City shall implement Mitigation Measure 4.C-2o (Central Avenue bicycle improvements).	See Mitigation Measure 4.C-2o, above.				
Mitigation Measure 4.C-5ziv (Oak Street Bike): The City shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and 4.C-2b) and, when required to avoid the impact or reduce its severity, fund a fair share contribution to implement the completion of a bicycle boulevard with appropriate signage and striping along Oak Street from Blanding Avenue to Encinal Avenue to advise motorists and bicyclists to share the street.	City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a and 4.C-2b, and fund a fair-share of the portion of the cost of the improvements (as stated in Mitigation Measure 4.C-5ziv) attributable to the project.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and collection of fair-share of funds	Prior to issuance of building permit(s)	Applies to Oak Street See Mitigation Measures 4.C-2a and 4.C-2b.
Mitigation Measure 4.C-9 (Chinatown Pedestrians): The City of Alameda shall implement TDM and Monitoring (Mitigation Measures 4.C-2a and 4.C-2b) and shall continue to work with the City of Oakland, the ACTC, and Caltrans, to evaluate and implement measures to reduce or divert the volume of traffic that travels through Oakland Chinatown to and from Alameda Point and other City of Alameda destinations.	City of Alameda shall require Project applicant to implement Mitigation Measures 4.C-2a and 4.C-2b, and coordinate with the City of Oakland, the ACTC, and Caltrans to evaluate and then implement measures that reduce/divert volume of traffic that travels through Oakland Chinatown to and from Alameda Point and other City of Alameda destinations.	City of Alameda Community Development Department	City of Alameda Community Development Department shall monitor to ensure implementation of TDM Program, Monitoring, and continue coordination with the City of Oakland, the ACTC, and Caltrans.	Prior to issuance of building permit(s)	See Mitigation Measures 4.C-2a and 4.C-2b.
D. Cultural and Paleontological Resources					
Mitigation Measure 4.D-1a (Historic Preservation Ordinance): The City shall implement the requirements of the Historic Preservation Ordinance, which requires a certificate of approval by the HAB for modifications to contributors and resources within the Historic District. As part of the certificate of approval process, project sponsors shall provide: 1) An analysis of the proposal's conformity with the <i>Guide to Preserving the Character of the Naval Air Station Alameda Historic District</i> as adopted and amended by the City Council; 2) An analysis of the proposal's conformity with general management and design guidelines contained within the NAS Alameda Cultural Landscape Report (JRP, 2012), including application of the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes</i> . These include special treatments organized by functional area for such topics as spatial organization, topography, vegetation, views and vistas, circulation, as well as structures, furnishings and objects; and 3) An analysis of impacts to the integrity of the Historic District, as a whole, and an analysis of alternatives to avoid potential impacts on the Historic District as a whole, and on an individual resource	Project applicant shall conduct analyses listed to comply with the Historic Preservation Ordinance.	City of Alameda Community Development Department	City of Alameda's Historical Advisory Board (HAB) shall verify completion of analyses.	During the certificate of approval process	<u>Water-Connected Projects:</u> In addition to all projects located in the Historic District, this mitigation measure also applies to projects located adjacent to Seaplane Lagoon.
Mitigation Measure 4.D-1b (Guidelines): Prior to approval of new buildings within the NAS Alameda Historic District, the City shall complete and adopt Guidelines for New Infill Development within the Historic District. All new building will be reviewed for conformance with the guidelines.	City shall complete and adopt Guidelines for New Infill Development Project applicant shall conform to the City's adopted Guidelines	City of Alameda Community Development Department	Review new buildings for conformance with Guidelines	Prior to approval of new buildings within the NAS Alameda Historic District	<u>Water-Connected Projects:</u> In addition to all projects located in the Historic District, this mitigation measure also applies to projects located adjacent to Seaplane Lagoon. The first proposed development in the Historic District will trigger the City's preparation and adoption of Guidelines for New Infill Development within the Historic District, which will apply to that development and all subsequent development within the Historic District.

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule	Notes
<p>Mitigation Measure 4.D-2 (Archaeological Resources): If cultural resources are encountered, all activity within 100 feet of the find shall halt until it can be evaluated by a qualified archaeologist and a Native American representative. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If the archaeologist and Native American representative determine that the resources may be significant, they shall notify the City of Alameda and shall develop an appropriate treatment plan for the resources. The archaeologist shall consult with Native American monitors or other appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature.</p> <p>In considering any suggested measures proposed by the archaeologist and Native American representative in order to mitigate impacts to cultural resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project area while mitigation for cultural resources is being carried out.</p> <p>Pursuant to CEQA Guidelines Section 15126(b), <i>Mitigation Measures Related to Impacts on Historical Resources</i>, the City of Alameda will, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors shall be considered for a project involving an archaeological site:</p> <p>A. Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.</p> <p>B. Preservation in place may be accomplished by, but is not limited to, the following:</p> <ol style="list-style-type: none">1. Planning construction to avoid archaeological sites;2. Incorporation of sites within parks, greenspace, or other open space;3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site.4. Deeding the site into a permanent conservation easement. <p>C. When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.</p> <p>D. Data recovery shall not be required for an historical resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center.</p>	<p>Project applicant and its contractor(s) shall halt work and notify archaeologist and Native American representative if materials are discovered.</p> <p>Archaeologist and Native American representative shall conduct independent review and prepare treatment plan, if necessary.</p> <p>Project applicant or its contractor(s) shall implement treatment plan and mitigate impacts pursuant to CEQA Guidelines.</p>	City of Alameda Community Development Department	If resources are encountered, verify work is suspended and review and approve the treatment and monitoring plan if archaeological materials are discovered	If resources encountered, review of treatment and monitoring plan prior to continuation of construction	
<p>Mitigation Measure 4.D-3 (Paleontological Resources): If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing construction activities, all such activities within 100 feet of the find shall be halted until a qualified paleontologist can assess the significance of the find and, if necessary, develop appropriate salvage measures in consultation with the City of Alameda and in conformance with Society of Vertebrate Paleontology Guidelines (SVP, 1995; SVP, 1996).</p>	<p>Project applicant and its contractor(s) shall halt construction within 100 feet of paleontological resources</p> <p>Project applicant shall retain a paleontologist to assess significance of resources and develop salvage measures, if necessary Project applicant shall incorporate measures upon continuation of construction</p>	City of Alameda Community Development Department	Consult paleontologist in development of appropriate salvage measures for any paleontological resources found	If resources encountered, review of treatment and monitoring plan prior to continuation of construction	
<p>Mitigation Measure 4.D-4 (Human Remains): In the event of discovery or recognition of any human remains during construction activities, such activities within 100 feet of the find shall cease. The Alameda County Coroner shall be contacted immediately. If the remains are determined to be Native American, and no investigation of the cause of death is required, the Native American Heritage Commission (NAHC) will be contacted within 24 hours. The NAHC will identify and contact the person or persons it believes to be the “most likely descendant (MLD)” of the deceased Native American, who in turn would make recommendations for the appropriate means of treating the human remains and any grave goods.</p>	<p>Project applicant and its contractor(s) shall halt work and notify coroner and City of Alameda Community Development Department if remains are discovered</p> <p>NAHC shall assign most likely descendant</p> <p>Project applicant and its contractor(s) shall hire archaeologist and cease work if site is a Native American Cemetery</p>	City of Alameda Community Development Department; NAHC; County Coroner	Contact City, NAHC, or County Coroner if human remains are encountered	Ongoing	

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule	Notes
Mitigation Measure 4.D-5: Implement Mitigation Measure 4.D-1.	See Mitigation Measure 4.D-1.				
Mitigation Measure 4.D-6: Implement Mitigation Measures 4.D-2, -3, and -4.	See Mitigation Measures 4.D-2, 4.D-3, and 4.D-4.				
E. Biological Resources					
<p>Mitigation Measure 4.E-1a (Sound Attenuation Monitoring Plan): Prior to the start of marina or ferry terminal construction, the City shall require a NMFS-approved sound attenuation monitoring plan to protect fish and marine mammals, if pile driving is planned for the Seaplane Lagoon. This plan shall provide detail on the sound attenuation system, detail methods used to monitor and verify sound levels during pile driving activities, and describe management practices to be taken to reduce impact hammer pile-driving sound in the marine environment to an intensity level of less than 183 dB. The sound monitoring results shall be made available to the NMFS. The plan shall incorporate, but not be limited, to the following best management practices (BMPs):</p> <ul style="list-style-type: none">• To the extent feasible, all pilings shall be installed and removed with vibratory pile drivers only. Vibratory pile driving will be conducted following the Corps’ “<i>Proposed Procedures for Permitting Projects that will Not Adversely Affect Selected Listed Species in California</i>”. USFWS and NOAA completed Section 7 consultation on this document, which establishes general procedures for minimizing impacts to natural resources associated with projects in or adjacent to jurisdictional waters.• An impact pile driver may only be used where necessary to complete installation of larger steel pilings in accordance with seismic safety or other engineering criteria• The hammer shall be cushioned using a 12-inch thick wood cushion block during all impact hammer pile driving operations• All piling installation using impact hammers shall be conducted between June 1 and November 30, when the likelihood of sensitive fish species being present in the work area is minimal• If pile installation using impact hammers must occur at times other than the approved work window, the project applicant shall obtain incidental take authorization from NMFS and CDFW, as necessary, to address potential impacts on steelhead trout, chinook salmon, and Pacific herring and implement all requested actions to avoid impacts• The project applicant shall monitor and verify sound levels during pile driving activities. The sound monitoring results will be made available to NMFS and the City• In the event that exceedance of noise thresholds established and approved by NMFS occurs, a contingency plan involving the use of bubble curtains or air barrier shall be implemented to attenuate sound levels to below thresholds	<p>Project applicant shall create a NMFS-approved sound attenuation monitoring plan.</p> <p>Project applicant shall implement plan and record monitoring results.</p>	City of Alameda Community Development Department	<p>Verify completion of plan and monitor throughout construction.</p> <p>Ensure that monitoring results get submitted to NMFS.</p>	Prior to start of marina or ferry terminal construction	*Although this mitigation measure applies primarily to marina or ferry terminal projects, it would also apply to any project that entails pile driving within Seaplane Lagoon.
<p>Mitigation Measure 4.E-1b (NMFS and CDFW Consultation): During the project permitting phase, the City will ensure that any projects requiring in-water work include consultation with NMFS to determine if the work can be covered under one of the programmatic consultations for federally listed species described above or if a project-level BO would be required and whether an Incidental Harassment Authorization (IHA) for marine mammals would be needed for dredging or pile driving activities. The project applicant shall also consult with CDFW regarding State special-status fish and the potential need for an incidental take permit (ITP). The project applicant shall submit to the City copies of any IHA and/or ITP received or, alternatively, copies of correspondence confirming that an IHA and/or ITP is not required for the project in question.</p>	<p>Project applicant shall consult with NMFS if project requires in-water work.</p> <p>Project applicant shall consult with CDFW regarding potential need for an ITP.</p> <p>Project applicant shall submit copies of any IHA and/or ITP to the City or confirm that they are not required.</p>	City of Alameda Community Development Department; NMFS; CDFW	Confirm consultation with NMFS and CDFW.	During the project permitting phase, prior to construction.	Although it is anticipated that this mitigation measure would apply only to marina or ferry terminal projects, it would also apply to any other proposal that would require pile driving and/or construction of docks within Seaplane Lagoon or San Francisco Bay.
<p>Mitigation Measure 4.E-1c (Additional Noise Attenuation Measures): As part of the NMFS-approved sound attenuation monitoring plan required for pile driving in the Seaplane Lagoon in Mitigation Measure 4.E-1a, the City shall ensure that the project applicant implements the following actions in addition to those listed in Mitigation Measure 4.E-1a to reduce the effect of underwater noise transmission on marine mammals. These actions shall include at a minimum:</p> <ul style="list-style-type: none">• Establishment of a 1,600-foot (500-meter) safety zone that shall be maintained around the sound source, for the protection of marine mammals in the event that sound levels are unknown or cannot be adequately predicted• Work activities shall be halted when a marine mammal enters the 1,600-feet (500-meter) safety zone and resume only after the animal has been gone from the area for a minimum of 15 minutes• A “soft start” technique shall be employed in all pile driving to marine mammals an opportunity to vacate the area• Maintain sound levels below 90 dBA in air when pinnipeds (seals and sea lions) are present• A NMFS-approved biological monitor will conduct daily surveys before and during impact hammer pile driving to inspect the work zone and adjacent Bay waters for marine mammals. The monitor will be present as specified by NMFS during the impact pile-driving phases of construction	<p>Project applicant shall implement the listed actions to reduce the effects of underwater noise transmission.</p> <p>Project applicant shall hire a NMFS-approved biological monitor to conduct daily surveys.</p>	City of Alameda Community Development Department, NMFS	<p>NMFS will review and the sound attenuation monitoring plan and approve the biological monitor that would conduct daily surveys before and during impact hammer pile driving work.</p> <p>City will ensure implementation of the listed actions and daily surveys described in Measure 4.E-1c along with those listed in Measure 4.E-1a.</p>	Prior to construction	Although it is anticipated that this mitigation measure would apply only to marina or ferry terminal projects, it would also apply to any other proposal that would require pile driving and/or construction of docks within Seaplane Lagoon or San Francisco Bay.

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule	Notes
Mitigation Measure 4.E-1d (Dock Lighting): Prior to occupancy, the City shall ensure that the project applicant installs dock lighting on all floating docks that minimizes artificial lighting of Bay waters by using shielded, low-mounted, and low light-intensity fixtures and bulbs.	Project applicant shall include dock lighting measures in construction plans and specifications.	City of Alameda Community Development Department	Review construction plans and specifications to ensure it includes dock lighting requirements. Inspect light fixtures to ensure lighting meets requirements stated in Measure 4.E-1d.	Prior to construction and after construction.	Although it is anticipated that this mitigation measure would apply only to marina or ferry terminal projects, it would also apply to any other proposal that would require construction of docks within Seaplane Lagoon or San Francisco Bay.
Mitigation Measure 4.E-1f: (Bat Pre-Construction Survey) Potential direct and indirect disturbances to bats shall be identified by locating colonies, and instituting protective measures prior to construction. No more than two weeks in advance of tree removal, demolition of buildings onsite, or initiation of construction within 100 feet of trees or structures providing potential bat roosting sites, a qualified bat biologist (e.g., a biologist holding a CDFW collection permit and a Memorandum of Understanding with CDFW allowing the biologist to handle and collect bats) shall conduct pre-construction surveys for bat roosts. No activities that could disturb active roosts shall proceed prior to the completed surveys.	Project applicant will obtain a qualified biologist to conduct pre-construction surveys for bat roosts. Qualified biologist will conduct pre-construction bat surveys two weeks prior to tree removal and building demolition work and shall develop protective measures.	City of Alameda Community Development Department	Review construction specifications to ensure inclusion of protective measures for active bat roosts. Monitor to ensure completion of pre-construction survey.	Prior to issuance of demolition or tree removal permit	This mitigation measure applies to any project requiring removal of trees and/or demolition of buildings.
Mitigation Measure 4.E-1g: (Bat Maternity Colony Measures) If a maternity colony is located within the project site during pre-construction surveys, the project shall be redesigned to avoid impacts if feasible, and a no-disturbance buffer acceptable in size to the CDFW shall be created around the roost. Bat roosts (maternity or otherwise) initiated during construction are generally presumed to be unaffected by increased noise, vibration, or human activity, and no buffer is necessary as long as roost sites are not directly altered or destroyed. However, the “take” of individuals is still prohibited at any time. <ul style="list-style-type: none">• If there is a maternity colony present and the project cannot be redesigned to avoid removal of the tree or structure inhabited by the bats, demolition of that tree or structure shall not commence until after young are flying (i.e., after July 31, confirmed by a qualified bat biologist) or before maternity colonies form the following year (i.e., prior to March 1).• If a non-maternity roost must be removed as part of the project, the non-maternity roost shall be evicted prior to building/tree removal by a qualified biologist, using methods such as making holes in the roost to alter the air-flow or creating one-way funnel exits for the bats.• If significant (e.g., maternity roosts or large non-maternity roost sites) bat roosting habitat is destroyed during building/tree removal, artificial bat roosts shall be constructed in an undisturbed area in the project site vicinity away from human activity and at least 200 feet from project demolition/construction activities. The design and location of the artificial bat roost(s) shall be determined by a qualified bat biologist.	Project applicant and its contractor(s) shall incorporate measures in the construction specifications to reduce impacts to maternity colonies. During pre-construction surveys, Project applicant and/or its contractor(s) will redesign the project if maternity colony is located within the project site.	City of Alameda Community Development Department; CDFW	Monitor to ensure adequate measures are taken to avoid impacts to maternity colonies.	Prior to issuance of demolition or tree removal permit	This mitigation measure applies to any project requiring removal of trees and/or demolition of buildings.
Mitigation Measure 4.E-2c: (Invasive Species Control Plan) The City shall require that the project applicant develop and implement a Marine Invasive Species Control Plan prior to commencement of any in-water work including, but not limited to, construction of piers and seawalls, dredging, pile driving, and construction of new stormwater outfalls. The plan shall be prepared in consultation with the United States Coast Guard (USCG), RWQCB, and other relevant state agencies. Provisions of the plan shall include but not be limited to the following: <ul style="list-style-type: none">• Environmental training of construction personnel involved in in-water work• Actions to be taken to prevent the release and spread of marine invasive species, especially algal species such as <i>Undaria</i> and <i>Sargasso</i>• Procedures for the safe removal and disposal of any invasive taxa observed on the removed structures prior to disposal or reuse of pilings, docks, wave attenuators, and other features• The onsite presence of qualified marine biologists to assist the contractor in the identification and proper handling of any invasive species on removed Port equipment or materials• A post-construction report identifying which, if any, invasive species were discovered attached to equipment and materials following removal from the water, and describing the treatment/handling of identified invasive species. Reports shall be submitted to the City, as well as the USCG and the RWQCB if requested by the agencies.	Project applicant shall develop and implement a Marine invasive Species Control Plan during construction of in-water work. Project applicant will prepare a post-construction report and submit to the City, USCG, and RWQCB.	City of Alameda Community Development; USCG; RWQCB and other relevant state agencies	Review and approve Marine Invasive Species Control Plan. Ensure the provisions of the approved plan are implemented, including preparation of a post-construction.	Prior to issuance of building permit(s) and during construction	

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule	Notes
<p>Mitigation Measure 4.E-3a: (Wetlands) Prior to issuance of final grading or building permits that include work within or in the vicinity of jurisdictional waters, the City shall confirm that the project applicant has obtained all necessary wetland permits and shall further ensure that the project applicant implements measures to avoid or minimize adverse effects on jurisdictional waters and sensitive natural communities. Specifically:</p> <ul style="list-style-type: none">• The existing wetlands in the Northwest Territories shall be preserved and incorporated into compatible open space uses to the maximum extent feasible.• Wetlands to be avoided shall be protected by setbacks throughout project construction. Based on recommendations in the <i>Baylands Ecosystem Habitat Goals</i> (Goals Project, 1999) a minimum 300-foot wetland buffer shall be incorporated into project design wherever possible to protect water quality and the wildlife that use the wetlands. Where existing uses preclude the establishment of a 300-foot or larger buffer-, the largest buffer possible shall be established. Buffer width should be determined by considering the quality of the wetlands, actual or potential wildlife use, existing and proposed future uses, amount and type of vegetation within the buffer, and angle and direction of slope in proximity to the wetland (McElfish et al., 2008). Open space uses shall incorporate these buffers in the siting of recreational trails and development of facilities to ensure the wetlands and the wildlife that use them are adequately buffered from recreational uses.• During project construction, areas to be avoided and provided with setbacks pursuant to the provisions described above shall be further protected by best management practices (BMPs), as described in Mitigation Measure 4.E-3b, below. Such measures shall include the installation of silt fencing, straw wattles, or other appropriate erosion and sediment control methods or devices along roads and at the 100-foot setback limits. To minimize impacts on wetlands and other waters, equipment such as backhoes and cranes used for installation of rip-rap or other shore stabilization measures along the Bay shoreline shall operate from dry land where possible. Any construction operations within Bay waters shall be barge-mounted or use other water-based equipment such as scows, derrick barges, and tugs.	<p>Project applicant shall obtain all necessary wetland permits.</p> <p>Project applicant shall implement measures to avoid or minimize adverse effects on jurisdictional waters and sensitive natural communities.</p> <p>Project applicant will implement measures to avoid or minimize adverse effects on jurisdictional waters and sensitive natural communities as identified in Mitigation Measure 4.E-3a.</p>	City of Alameda Community Development Department	<p>Confirm all necessary wetland permits have been obtained.</p> <p>Ensure implementation of measures to avoid sensitive natural communities.</p>	Prior to issuance of final grading or building permit(s) and during construction.	
<p>Mitigation Measure 4.E-3b: (BMPs for Wetlands) Standard BMPs shall be employed to avoid degradation of aquatic habitat and wetlands by maintaining water quality and controlling erosion and sedimentation during construction as required by compliance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities (see also Section 4.H, <i>Hydrology and Water Quality</i>, of this EIR, which addresses impacts on water quality).</p> <p>BMPs shall include, but not be limited to, the following: (1) installing silt fencing between wetlands and aquatic habitat and construction-related activities, (2) locating fueling stations away from potentially jurisdictional features, and (3) otherwise isolating construction work areas from any identified jurisdictional features. In addition, BMPs to avoid impacts on water quality resulting from dredging or other activities within open waters that are identified in the <i>Long-term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region</i> (LTMS) (Corps, 2001) shall be implemented. These BMPs include silt fencing and gunderbooms or other appropriate methods for keeping dredged materials or other sediments from leaving a project site.</p>	Project applicant shall comply with the NPDES General Permit for Construction through implementation of BMPs described in Mitigation Measure 4.E-3b.	City of Alameda Community Development Department	Ensure that Project applicant implements applicable BMPs and complies with NPDES General Permit.	During construction	Although implementation of this mitigation measure is particularly critical for projects located adjacent to or in proximity to wetlands or surface waters, all construction projects will be required to comply with the Regional Water Quality Control Board's NPDES General Construction Permit, and will be required to implement appropriate BMPs.
<p>Mitigation Measure 4.E-3c: (Wetland Mitigation and Monitoring Plan) Where disturbance to jurisdictional waters cannot be avoided, compensation shall be provided at a minimum 1:1 ratio for temporary impacts and permanent loss. Actual compensatory mitigation ratios will be specified in project permits issued by the Corps, RWQCB, and BCDC. Where applicable, compensation shall be detailed on a project-specific basis and shall include development of an onsite wetland mitigation and monitoring plan, which shall be developed prior to the start of the first phase of development or in coordination with permit applications and/or conditions. Alternatively, offsite mitigation may be pursued through an approved mitigation bank, although this option may result in a higher mitigation ratio. At a minimum, such plans shall include:</p> <ul style="list-style-type: none">• Baseline information, including a summary of findings for the most recent wetland delineation applicable to the project site;• Anticipated habitat enhancements to be achieved through compensatory actions, including mitigation site location (onsite enhancement or offsite habitat creation) and hydrology;	Project applicant shall develop a mitigation plan to compensate disturbance to jurisdictional waters at a minimum 1:1 ratio by either (1) developing an onsite wetland mitigation monitoring plan or (2) pursue offsite mitigation options. Ensure that mitigation plan incorporates items described in Measure 4.E-3c.	City of Alameda Community Development Department; Corps; RWQCB; BCDC	<p>Review of construction specifications to ensure it includes wetland replaced or restored at a minimum 1:1 ratio for temporary and permanent loss.</p> <p>Review compensation plan to ensure incorporation of items described in Mitigation Measure 4.E-3c.</p>	Prior to issuance of grading permit	

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule	Notes
<div><ul style="list-style-type: none">Performance and success criteria for wetland creation or enhancement including, but not limited to, the following:⁹<ul style="list-style-type: none">At least 70 percent survival of installed plants for each of the first three years following planting.Performance criteria for vegetation percent cover in Years 1-4 as follows: at least 10 percent cover of installed plants in Year 1; at least 20 percent cover in Year 2; at least 30 percent cover in Year 3; at least 40 percent cover in Year 4.Performance criteria for hydrology in Years 1-5 as follows: Fourteen or more consecutive days of flooding, ponding, or a water table 12 inches or less below the soil surface during the growing season at a minimum frequency of three of the five monitoring years; OR establishment of a prevalence of wetland obligate plant species.Invasive plant species that threaten the success of created or enhanced wetlands should not contribute relative cover greater than 35 percent in Year 1, 20 percent in Years 2 and 3, 15 percent in Year 4, and 10 percent in Year 5.If necessary, supplemental water shall be provided by a water truck for the first two years following installation. Any supplemental water must be removed or turned off for a minimum of two consecutive years prior to the end of the monitoring period, and the wetland must meet all other criteria during this period. At the end of the five-year monitoring period, the wetland must be self-sufficient and capable of persistence without supplemental water.At least 75 percent cover by hydrophytic vegetation at the end of the five-year monitoring period. In addition, wetland hydrology and hydric soils must be present and defined as follows:<ul style="list-style-type: none"><i>Hydrophytic vegetation</i> – A plant community occurring in areas where the frequency and duration of inundation or soil saturation produce permanently or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present.<i>Wetland hydrology</i> – Identified by indicators such as sediment deposits, water stains on vegetation, and oxidized rhizospheres along living roots in the upper 12 inches of the soil, or satisfaction of the hydrology performance criteria listed above.<i>Hydric soils</i> – Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions, which are often characterized by features such as redox concentrations, which form by the reduction, translocation, and/or oxidation of iron and manganese oxides. Hydric soils may lack hydric indicators for a number of reasons. In such cases, the same standard used to determine wetland hydrology when indicators are lacking can be used.Five years after any wetland creation, a wetland delineation shall be performed to determine whether created wetlands are developing according to the success criteria outlined in the project permits. If they are not, remedial measures such as re-planting and or re-design and construction of the created wetland shall be taken to ensure that the Project’s mitigation obligations are met.If permanent and temporary impacts on jurisdictional waters cannot be compensated onsite through the restoration or enhancement of wetland features incorporated within proposed open space areas, the specific project applicant shall provide additional compensatory mitigation for these habitat losses. Potential options include the creation of additional wetland acreage onsite or the purchase of offsite mitigation. Offsite compensatory mitigation would be required to fulfill the performance standards described above.</div>					

⁹ Vegetation-related criteria listed here apply only mitigation required for impacts to vegetated wetlands and would not be required for mitigation required for impacts to unvegetated wetlands.

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule	Notes
<p>Mitigation Measure 4.E-4b: (Bird Strike Mitigation) Prior to the issuance of the first building permit for each new building, or for any exterior renovation that would increase the surface area of glazing by 50 percent or more or that would replace 50 percent or more of existing glazing, the City shall require that the project applicant retain a qualified biologist experienced with bird strike issues to review and approve the design of the building to ensure that it sufficiently minimizes the potential for bird strikes. The City may also consult with resource agencies such as the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or others, as it determines to be appropriate during this review. The project applicant shall provide to the City a written description of the measures and features of the building design that are intended to address potential impacts on birds. The design shall include some of the following measures or measures that are equivalent to, but not necessarily identical to, those listed below, as new, more effective technology for addressing bird strikes may become available in the future:</p> <ul style="list-style-type: none">• Employ design techniques that create “visual noise” via cladding or other design features that make it easy for birds to identify buildings as such and not mistake buildings for open sky or trees;• Decrease continuity of reflective surfaces using “visual marker” design techniques, which techniques may include:<ul style="list-style-type: none">– Patterned or fritted glass, with patterns at most 28 centimeters apart,– One-way films installed on glass, with any picture or pattern or arrangement that can be seen from the outside by birds but appear transparent from the inside,– Geometric fenestration patterns that effectively divide a window into smaller panes of at most 28 centimeters, and/or– Decals with patterned or abstract designs, with the maximum clear spaces at most 28 centimeters square.• Up to 60 feet high on building facades facing the shoreline, decrease reflectivity of glass, using design techniques such as plastic or metal screens, light-colored blinds or curtains, frosting of glass, angling glass towards the ground, UV-A glass, or awnings and overhangs;• Eliminate the use of clear glass on opposing or immediately adjacent faces of the building without intervening interior obstacles such that a bird could perceive its flight path through the glass to be unobstructed;• Mute reflections in glass using strategies such as angled glass, shades, internal screens, and overhangs; and• Place new vegetation sufficiently away from glazed building facades so that no reflection occurs. Alternatively, if planting of landscapes near a glazed building façade is desirable, situate trees and shrubs immediately adjacent to the exterior glass walls, at a distance of less than 3 feet from the glass. Such close proximity will obscure habitat reflections and will minimize fatal collisions by reducing birds’ flight momentum. <p>Lighting. In addition to implementation of the City/VA Lighting MOA, the project applicant shall similarly ensure that the design and specifications for buildings implement design elements to reduce lighting usage, change light direction, and contain light. These include, but are not limited to, the following general considerations that should be applied wherever feasible throughout Alameda Point to reduce night lighting impacts on species other than least terns:</p> <ul style="list-style-type: none">• Avoid installation of lighting in areas where not required for public safety• Examine and adopt alternatives to bright, all-night, floor-wide lighting when interior lights would be visible from the exterior or exterior lights must be left on at night, including:<ul style="list-style-type: none">– Installing motion-sensitive lighting– Installing task lighting– Installing programmable timers– Installing fixtures that use lower-wattage, sodium, and yellow-red spectrum lighting.• Install strobe or flashing lights in place of continuously burning lights for any obstruction lighting.• Where exterior lights are to be left on at night, install fully shielded lights to contain and direct light away from the sky.	<p>Project applicant shall retain a qualified biologist to review and approve design of buildings for potential impacts on birds related to bird strike, lighting, and placement of rooftop antennae and other rooftop elements.</p> <p>Project applicant shall provide educational materials to building tenants and occupants, hotel guests, and residents encouraging them to minimize light transmission from windows.</p> <p>Project applicant or City shall document activities undertaken per this mitigation measure.</p> <p>Project applicant or City shall maintain records that include the written descriptions provided by the building developer of the measures and features of the design for each building that are intended to address potential impacts on birds, and the recommendations and memoranda prepared by the qualified biologist experienced with bird strikes.</p>	<p>City of Alameda Community Development Department; CDFW; USFWS</p>	<p>Review submittal and documentation of measures and features incorporated to address potential impacts on birds.</p> <p>Ensure that education materials get distributed to building tenants, occupants, hotel guests, and residents appropriately.</p> <p>Ensure proper documentation of activities prescribed by Measure 4.E-4b.</p>	<p>Prior to issuance of building permit(s)</p>	

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule	Notes
<p>Antennae, Monopole Structures, and Rooftop Elements. The City shall ensure, as a condition of approval for every building permit, that buildings minimize the number of and co-locate rooftop-antennas and other rooftop equipment, and that monopole structures or antennas on buildings, in open areas, and at sports and playing fields and facilities do not include guy wires.</p> <p>Educating Residents and Occupants. The City shall ensure, as a condition of approval for every building permit, that the project applicant agrees to provide educational materials to building tenants and occupants, hotel guests, and residents encouraging them to minimize light transmission from windows, especially during peak spring and fall migratory periods, by turning off unnecessary lighting and/or closing window coverings at night. The City shall review and approve the educational materials prior to building occupancy.</p> <p>Documentation. The project applicant and/or City shall document undertaking the activities described in this mitigation measure and maintain records that include, among others, the written descriptions provided by the building developer of the measures and features of the design for each building that are intended to address potential impacts on birds, and the recommendations and memoranda prepared by the qualified biologist experienced with bird strikes who reviews and approves the design of any proposed projects to ensure that they sufficiently minimize the potential for bird strikes.</p>					
<p>Mitigation Measure 4.E-4c: (Breeding Birds) The City shall require project applicants to conduct pre-construction breeding bird surveys for projects proposed in areas containing, or likely to contain, habitat for nesting birds as a condition of approval for any development-related permit. Specific measures to avoid and minimize impacts on nesting birds include, but are not limited to, those described below.</p> <ul style="list-style-type: none">• To avoid and minimize potential impacts on nesting raptors and other birds, preconstruction surveys shall be performed not more than one week prior to initiating vegetation removal and/or construction activities during the breeding season (i.e., February 1 through August 31)• To avoid and minimize potential impacts on nesting raptors and other birds, a no-disturbance buffer zone shall be established around active nests during the breeding season until the young have fledged and are self-sufficient, when no further mitigation would be required• Typically, the size of individual buffers ranges from a minimum of 250 feet for raptors to a minimum of 50 feet for other birds but can be adjusted based on an evaluation of the site by a qualified biologist in cooperation with the USFWS and/or CDFW• Birds that establish nests after construction starts are assumed to be habituated to and tolerant of the indirect impacts resulting from construction noise and human activity. However, direct take of nests, eggs, and nestlings is still prohibited and a buffer must be established to avoid nest destruction.• If construction ceases for a period of more than two weeks, or vegetation removal is required after a period of more than two weeks has elapsed from the preconstruction surveys, then new nesting bird surveys must be conducted.	<p>Project applicant shall conduct pre-construction breeding bird surveys.</p> <p>Project applicant shall implement identified avoidance and minimization measures for nesting bird impacts.</p>	<p>City of Alameda Community Development Department</p>	<p>Review construction specifications to ensure incorporation of nesting bird avoidance and minimization measures.</p> <p>Monitor to ensure implementation of avoidance and minimization measures during construction.</p>	<p>Prior to issuance of building permit(s) and during construction</p>	<p>Although this mitigation measure is particularly critical for projects located in the Northwest Territories and the Federal Property, it is applicable to any project on a site that has trees, shrubs, buildings, or other structures, all of which can provide nesting habitat for birds.</p>
<p>Mitigation Measure 4.E-4f: (Open Refuse Containers) The City shall prohibit open refuse containers that contain food waste throughout the project area. This prohibition shall be incorporated into the terms and conditions of all City approvals for future development at Alameda Point.</p>	<p>The City will prohibit placement of open refuse containers that contain food waste.</p>	<p>City of Alameda Community Development Department</p>	<p>City to ensure that measure is implemented.</p>	<p>After construction is complete.</p>	
<p>Mitigation Measure 4.E-5: The City of Alameda shall implement Mitigation Measures 4.E-1a through 4.E-1h (avoid and minimize impacts on special-status wildlife), Mitigation Measures 4.E-2a through 4.E-2c (avoid and minimize impacts to sensitive natural communities), Mitigation Measures 4.E-3a through 4.E-3c (avoid and minimize impacts to jurisdictional waters), and Mitigation Measures 4.E-4a through 4.E-4f (avoid and minimize impacts to migratory and breeding wildlife).</p>	<p>See Mitigation Measures 4.E-1a through 4.E-1h, 4.E-2a through 4.E-2c, 4.E-3a through 4.E-3c, and 4.E-4a through 4.E-4f.</p>				
<p>Mitigation Measure 4.E-6: The City of Alameda shall implement Mitigation Measures 4.E-1a through 4.E-1h (avoid and minimize impacts on special-status wildlife), Mitigation Measures 4.E-2a through 4.E-2c (avoid and minimize impacts to sensitive natural communities), Mitigation Measures 4.E-3a through 4.E-3c (avoid and minimize impacts to jurisdictional waters), and Mitigation Measures 4.E-4a through 4.E-4f (avoid and minimize impacts to migratory and breeding wildlife).</p>	<p>See Mitigation Measures 4.E-1a through 4.E-1h, 4.E-2a through 4.E-2c, 4.E-3a through 4.E-3c, and 4.E-4a through 4.E-4f.</p>				
<p>Mitigation Measure 4.E-7: The City of Alameda shall implement Mitigation Measures 4.E-1a through 4.E-1h (avoid and minimize impacts on special-status wildlife), Mitigation Measures 4.E-2a through 4.E-2c (avoid and minimize impacts to sensitive natural communities), Mitigation Measures 4.E-3a through 4.E-3c (avoid and minimize impacts to jurisdictional waters), and Mitigation Measures 4.E-4a through 4.E-4f (avoid and minimize impacts to migratory and breeding wildlife).</p>	<p>See Mitigation Measures 4.E-1a through 4.E-1h, 4.E-2a through 4.E-2c, 4.E-3a through 4.E-3c, and 4.E-4a through 4.E-4f.</p>				

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule	Notes
F. Air Quality and Greenhouse Gases					
<p>Mitigation Measure 4.F-1a: (Fugitive Dust) The following BAAQMD Best Management Practices for fugitive dust control will be required for all construction activities within the project area. These measures will reduce fugitive dust emissions primarily during soil movement, grading and demolition activities, but also during vehicle and equipment movement on unpaved project sites:</p> <p>Basic Controls that Apply to All Construction Sites</p> <ol style="list-style-type: none">All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.All haul trucks transporting soil, sand, or other loose material off site shall be covered.All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.All vehicle speeds on unpaved roads shall be limited to 15 mph.All streets, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of CCR). Clear signage shall be provided for construction workers at all access points.All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.A publicly visible sign shall be posted with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.	<p>Project applicant shall incorporate the BAAQMD BMPs for fugitive dust control in construction specifications.</p> <p>Project applicant shall implement BMPs during construction.</p>	City of Alameda Community Development Department	<p>Review construction specifications for inclusion of BAAQMD BMPs.</p> <p>Monitor to ensure that BMPs are implemented during construction.</p>	Prior to issuance of building permit(s) and on-going during construction.	
<p>Mitigation Measure 4.F-1.b: (Construction Exhaust) The following control measures for construction emissions will be required for all construction activities within the project area:</p> <ul style="list-style-type: none">All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes. Clear signage shall be provided for construction workers at all access points.The Project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NO_x reduction and 45 percent PM reduction compared to the most recent CARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available. (The Level 3 Verified Diesel Emissions Control (VDEC) required under Mitigation Measure 4.F-1d would also comply with this measure)Require that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NO_x and PM.Require all contractors to use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines	<p>Project applicant shall incorporate control measures for construction emissions in construction specifications.</p> <p>Project applicant shall implement control measures during construction.</p>	City of Alameda Community Development Department	<p>Review construction specifications to ensure incorporation of control measures for construction emissions.</p> <p>Monitor to ensure that construction exhaust measures are implemented during construction.</p>	Prior to issuance of building permit(s) and during construction.	
<p>Mitigation Measure 4.F-1c: (Demolition Controls) Demolition and disposal of any asbestos containing building material shall be conducted in accordance with the procedures specified by Regulation 11, Rule 2 (Asbestos Demolition, Renovation and Manufacturing) of BAAQMD's regulations.</p>	<p>Project applicant shall incorporate BAAQMD's Regulation 11, Rule 2 procedures in construction specifications.</p> <p>Project applicant shall implement measures as outlined in Regulation 11, Rule 2 of BAAQMD's regulations.</p>	City of Alameda Community Development Department	<p>Review construction specifications to ensure incorporation of BAAQMD's measures for the demolition and disposal of asbestos.</p> <p>Ensure Project applicant complies with Regulation 11, Rule 2 procedures of BAAQMD's regulations.</p>	Prior to and during construction.	

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule	Notes
Mitigation Measure 4.F-1d: (Toxic Air Contaminants and PM2.5) The project sponsors shall ensure that construction contract specifications include a requirement that all off-road construction equipment used for project improvements be equipped with a Level 3 Verified Diesel Emissions Control (VDEC), which would reduce diesel particulate emissions by at least 85 percent.	Project applicant shall incorporate toxic air contaminants and PM2.5 measure in construction contract specifications. Project applicant will use off-road construction equipment with a Level 3 Verified Diesel Emissions Control.	City of Alameda Community Development Department	Review construction specifications to ensure that toxic air contaminants and PM2.5 measure is incorporated. Ensure that Project applicant uses off-road construction equipment with a Level 3 Verified Diesel Emissions Control.	Prior to and during construction.	
Mitigation Measure 4.F-1.e: (Delayed Occupancy) Health risks from construction-related emissions to new residences proposed under the project shall be minimized by delaying issuance of occupancy permits for new residential until after the completion of construction activities at adjacent buildings upwind in prevailing west and northwest winds during individual development phases of the project.	Project applicant shall delay occupancy until after completion of construction activities at adjacent buildings.	City of Alameda Community Development Department	Ensure that occupancy is delayed until after completion of construction activities at adjacent buildings.	Prior to issuance of occupancy permit(s)	* This mitigation measure applies only to residential projects.
Mitigation Measure 4.F-2: (Greenhouse Gas Reduction Measures) The following measures shall be incorporated into the project design for properties within the project area: <ul style="list-style-type: none">• Implement a Transportation Demand Management (TDM) program, as described in detail in Mitigation Measure 4.C.1a in Section 4.C, Transportation.• Require only natural gas hearths in residential units as a condition of final building permit;• Require smart meters and programmable thermostats;• Meet Green Building Code standards in all new construction;• Install solar water heaters for all uses as feasible;• Use recycled water when available;• Install low-flow fixtures (faucets, toilets, showers);• Use water efficient irrigation systems; and• Institute recycling and composting services.	Project applicant shall incorporate measures into project design documents.	City of Alameda Community Development Department	Ensure that project design documents incorporate measures identified in Mitigation Measure 4.F-2.	During design phase.	
Mitigation Measure 4.F-4: Implement Mitigation Measures 4.F-1a, 4.F-1b, and 4.F-1e.	See Mitigation Measures 4.F-1a, 4.F-1b, and 4.F-1e.				
Mitigation Measure 4.F-7a: Implement Mitigation Measure 4.F-2.	See Mitigation Measure 4.F-2.				
Mitigation Measure 4.F-7b: (Fuel-Efficient Vehicles) The City shall promote use of clean fuel-efficient vehicles through preferential parking, installation of charging stations, and low emission electric vehicle carsharing programs to reduce the need to have a car or second car vehicles in the TDM Program.	City shall require implementation of measures identified in Measure 4.F-7b.	City of Alameda Community Development Department			
Mitigation Measure 4.F-8: Implement Mitigation Measures 4.F-2 and 4.F-7b.	See Mitigation Measures 4.F-2 and 4.F-7b.				
G. Noise					
Mitigation Measure 4.G-1a: (Construction Hours) The City will require construction contractors to limit standard construction activities hours to be in compliance with the Noise Ordinance. Pile driving activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday. No pile driving shall be allowed on weekends and National holidays.	Project applicant and its contractor(s) to include noise limitations in construction specifications. Project applicant and its contractor(s) to comply with the Noise Ordinance and ensure that pile driving activities greater than 90 dBA are limited between 8:00 a.m. and 4:00 p.m. Monday through Friday.	City of Alameda Community Development Department	Review construction specifications to ensure measure is incorporated; inspection to ensure conformance.	Prior to issuance of grading or building permit(s); inspection during construction	

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule	Notes
Mitigation Measure 4.G-1b: (Construction Noise Measures) To reduce daytime noise impacts due to construction, the City will require construction contractors to implement the following measures: <ul style="list-style-type: none">Equipment and trucks used for project construction will utilize the best available noise control techniques, such as improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible.Impact tools (i.e., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust will be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves will be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures will be used, such as drills rather than impact equipment, whenever feasible.Stationary noise sources will be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.Haul routes that affect the fewest number of people will be selected.	Project applicant and its contractor(s) shall use best available noise-control techniques described and locate stationary noise sources as far from adjacent receptors as possible.	City of Alameda Community Development Department	Require use of noise-control techniques in building permit; inspect construction site to confirm adherence to those requirements.	Prior to issuance of grading building permit(s); inspect during construction	
Mitigation Measure 4.G-1c: (Pile Driving Noise Attenuation Measures) Pile driving activities within 300 feet of sensitive receptors will require additional noise attenuation measures. Prior to commencing construction, a plan for such measures will be submitted for review and approval by the City to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures will include as many of the following control strategies as feasible: <ul style="list-style-type: none">Erect temporary plywood noise barriers if they would block the line of sight between sensitive receptors and construction activities, particularly for existing residences in the northern area of the project site and for residences across Main Street;Implement “quiet” pile driving technology (such as pre-drilling of piles or use of sonic pile drivers), where feasible, in consideration of geotechnical and structural requirements and conditions; andUtilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site.	Project applicant and its contractor(s) shall prepare plan and submit to City; implement during construction.	City of Alameda Community Development Department	Review noise-attenuation plan and incorporate plan into building permit; inspect site during construction to confirm adherence to plan.	Prior to issuance of grading or building permit(s); inspect site during construction	
Mitigation Measure 4.G-1d: (Complaint Tracking) Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant will submit to the City a list of measures to respond to and track complaints pertaining to construction noise. These measures will include: <ul style="list-style-type: none">Signs will be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a contact number with the City of Alameda in the event of noise complaints. The project applicant will designate an onsite complaint and enforcement manager to track and respond to noise complaints; andNotification of neighbors within 300 feet of the project construction area at least 30 days in advance of pile-driving activities about the estimated duration of the activity.	Project applicant and its contractor(s) shall post construction information and track complaints pertaining to construction noise	City of Alameda Community Development Department	Review construction specifications to ensure conformance; inspection to ensure conformance	Prior to issuance of building permit(s)	
Mitigation Measure 4.G-2: Implement Mitigation Measures 4.G-1a through 4.G-1d.	See Mitigation Measures 4.G-1a through 4.G-1d.				
Mitigation Measure 4.G-3: To reduce automobile trips and associated automobile noise impacts, implement Mitigation Measure 4.C2a (TDM Program).	See Mitigation Measure 4.C-2a.				
Mitigation Measure 4.G-4: (Noise Ordinance) During individual project phase design preparation, the City will require a project applicant to comply with the Noise Ordinance and General Plan standards. These measures implement noise control measures to ensure that all non-transportation source operations comply with City standards and will include, but not be limited to, the following: <ul style="list-style-type: none">The proposed land uses will be designed so that onsite mechanical equipment (e.g., HVAC units, compressors, generators) and area-source operations (e.g., loading docks, parking lots, and recreational-use areas) are located as far as possible and/or shielded from nearby noise sensitive land uses to meet City noise standards.Onsite landscape maintenance equipment will be equipped with properly operating exhaust mufflers and engine shrouds, in accordance with manufacturers’ specifications.The following activities will be limited to the hours of 7:00 a.m. to 10:00 p.m. unless site-specific analysis confirms that noise impacts to sensitive receptors would be less-than-significant:<ul style="list-style-type: none">Truck deliveries;Operations of motor powered landscape maintenance equipment; andOutdoor use of amplified sound systems.	Project applicant and its contractor(s) shall incorporate operational noise control measures in project design phase documents.	City of Alameda Community Development Department	City shall ensure that design phase documents of individual projects incorporate operational noise control measures.	During design phase and prior to issuance of building permit(s)	

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule	Notes
Mitigation Measure 4.G-5: (Noise Study and Design Measures) The City will require project sponsors for residential development to submit a detailed noise study, prepared by a qualified noise consultant, to determine design measures necessary to achieve acceptable interior noise levels at the proposed new residences. The study will be submitted to the City for review and approval. Design measures such as the following could be required, depending on the specific findings of the noise study: double-paned glass windows facing noise sources; solid-core doors; increased sound insulation of exterior walls (such as through staggered-or double-studs, multiple layers of gypsum board, and incorporation of resilient channels); weather-tight seals for doors and windows; or mechanical ventilation such as an air conditioning system.	Project applicant shall obtain a qualified noise consultant to prepare a noise study. Noise consultant will prepare a noise study and determine design measures necessary to achieve acceptable interior noise levels at new residences.	City of Alameda Community Development Department	City shall review and approve noise study and ensure that design measures would meet acceptable interior noise level standards.	Prior to construction.	*This mitigation measure applies only to residential projects.
Mitigation Measure 4.G-6: Implement Mitigation Measures 4.G-3 and 4.G-5.	See Mitigation Measures 4.G-3 and 4.G-5.				
H. Geology, Soils, and Seismicity					
Mitigation Measure 4.H-1: (Geotechnical Investigation) Prior to approval of a building permit, a site specific, design-level geotechnical investigation shall be prepared for all proposed development on the project site. The investigation shall include detailed characterization of the distribution and compositions of subsurface materials and an assessment of their potential behavior during violent seismic ground-shaking. The analysis shall recommend site preparation and design parameters that would be necessary to avoid or substantially reduce structural damage under anticipated peak ground accelerations in accordance with seismic design requirements within the most current version of the California Building Code and Alameda Municipal Code. The investigation and recommendations shall be in conformance with all applicable city ordinances and policies and consistent with the design requirements of the calculated Seismic Design Category for each site in accordance with the California Building Code. The geotechnical report shall be prepared by a California-registered geotechnical engineer and approved by the City, and all recommendations contained in the report shall be included in the final design of the project. Mitigation Measure 4.H-1 would ensure that the proposed project would be designed to withstand strong seismic ground-shaking, and that the occupants of the proposed development are informed of safety procedures to follow in the event of an earthquake.	Project applicant shall obtain a California-registered geotechnical engineer to conduct design-level geotechnical investigation. Geotechnical engineer shall conduct geotechnical investigation, prepare a report and develop recommendations in accordance to Measure 4.H-1. Engineer shall ensure that recommendations conform to city ordinances and policies.	Project applicant and City of Alameda Community Development Department	City shall review and approve geotechnical report.	Prior to approval of building permit(s)	
Mitigation Measure 4.H-2: (Geotechnical Mitigation) Prior to issuance of a building permit, earthwork, foundation and structural design for proposed development under the project shall be conducted in accordance with all recommendations contained in the required geotechnical investigation (Mitigation Measure 4.H-1a). The investigation must include an assessment of all potentially foreseeable seismically-induced ground failures, including liquefaction, sand boils, lateral spreading and rapid settlement. Mitigation strategies must be designed for the site-specific conditions of the project and must be reviewed for compliance with the guidelines of CGS Special Publication 117A prior to incorporation into the project. Examples of possible strategies include edge containment structures (berms, diked sea walls, retaining structures, compacted soil zones), removal or treatment of liquefiable soils, soil modification, modification of site geometry, lowering the groundwater table, in-situ ground densification, deep foundations, reinforced shallow foundations, and structural design that can accommodate predicted displacements.	Project applicant shall ensure that geotechnical investigation includes assessment of all potentially foreseeable seismically-induced ground failures, including liquefaction, sand boils, lateral spreading and rapid settlement. Project applicant shall ensure that mitigation strategies are developed consistent with the guidelines of CGS Special Publication 117A.	Project applicant and City of Alameda Community Development Department	Ensure that geotechnical report addresses seismically-induced ground failures listed in the measure. Review and ensure that mitigation strategies are developed consistent with the guidelines of CGS Special Publication 117A.	Review mitigation strategies prior to incorporation into the project. Prior to issuance of building permit(s).	
Mitigation Measure 4.H-4: (Settlement Mitigation) The required geotechnical report for each development project (Mitigation Measure 4.H-1a) shall determine the susceptibility of the project site to settlement and prescribe appropriate engineering techniques for reducing its effects. Where settlement and/or differential settlement is predicted, mitigation measures—such as lightweight fill, geof foam, surcharging, wick drains, deep foundations, structural slabs, hinged slabs, flexible utility connections, and utility hangers—shall be used. These measures shall be evaluated and the most effective, feasible, and economical measures shall be recommended. Engineering recommendations shall be included in the project engineering and design plans, and be reviewed and approved by a registered geotechnical engineer. All construction activities and design criteria shall comply with applicable codes and requirements of the most recent California Building Code, and applicable City construction and grading ordinances.	Project applicant shall ensure that geotechnical investigation assesses the susceptibility of the site to settlement, prescribes engineering techniques for reducing its effects, and includes recommended mitigation measures. Project applicant will include recommendations in project engineering and design plans. Applicant will comply with all applicable codes and requirements during construction.	City of Alameda Community Development Department and registered geotechnical engineer.	Ensure that geotechnical report evaluates susceptibility of the site to settlement and that recommendations and mitigation measures are included. Registered geotechnical engineer will review and approve engineering recommendations. City will ensure that construction activities and design criteria comply with applicable codes and requirements.	During the design and construction phases.	
Mitigation Measure 4.H-5: (Expansive Soils Assessment) Prior to issuance of a building permit, subsurface earthwork (e.g., placement of engineered fill), shall be conducted in accordance with all recommendations contained in the required geotechnical investigation (Mitigation Measure 4.H-1). The geotechnical report must include an assessment of all potentially expansive soils that could adversely affect proposed improvements. Geotechnical strategies must be designed for the site-specific conditions of the project and must be reviewed for compliance with the requirements of the most recent California Building Code as well as any additional City of Alameda requirements.	Project applicant will ensure that geotechnical report includes assessment of expansive soils and strategies consistent with most recent California Building Code as well as any additional City of Alameda requirements.	City of Alameda Community Development Department	City will review and approve strategies/recommendations outlined in geotechnical report.	Prior to issuance of building permit(s)	

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule	Notes
I. Hydrology and Water Quality					
Mitigation Measure 4.I-1: (Water Quality Measures) The City shall ensure that project applicants for projects at Alameda Point implement the following measures as part associated with the extracted water during project construction: <ul style="list-style-type: none">The RWQCB could require compliance with certain provisions in the permit such as treatment of the flows prior to discharge. The project applicant shall discharge the extracted water to the sanitary sewer or storm drain system with authorization of and required permits from the applicable regulatory agencies, in this case the City of Alameda.The project applicant shall comply with applicable permit conditions associated with the treatment of groundwater prior to discharge.If necessary a dewatering collection and disposal method shall be prepared and implemented for the project.	Project applicant will incorporate water quality measures in the construction specifications. Project applicant will obtain and comply with necessary permits from RWQCB and City of Alameda for any activities requiring discharge of extracted water to the sanitary sewer or storm drain system.	City of Alameda Community Development Department, RWQCB	RWQCB and City will review permit application for activities involving discharge or extracted water necessary during construction activities. Upon approval, City will monitor to ensure compliance with permit conditions.	Prior to construction	
Mitigation Measure 4.I-2: (Integrated Pest Management) The City shall ensure that future project applicants implement Integrated Pest Management measures to reduce fertilizer and pesticide contamination of receiving waters, as follows: <ul style="list-style-type: none">Prepare and Implement an Integrated Pest Management Plan (IPM) for all common landscaped areas. The IPM shall be prepared by a qualified professional and shall recommend methods of pest prevention and turf grass management that use pesticides as a last resort in pest control. Types and rates of fertilizer and pesticide application shall be specified.The IPM shall specify methods of avoiding runoff of pesticides and nitrates into receiving storm drains and surface waters or leaching into the shallow groundwater table. Pesticides shall be used only in response to a persistent pest problem that cannot be resolved by non-pesticide measures. Preventative chemical use shall not be employed.The IPM shall fully integrate considerations for cultural and biological resources into the IPM with an emphasis toward reducing pesticide application.	The Project applicant will incorporate Integrated Pest Management measures into construction specifications. The Project applicant will implement Integrated Pest Management measures including an integrated pest management plan.	City of Alameda Community Development Department	City will ensure that the Integrated Pest Management measures are included in the construction specifications. City will monitor and ensure that Project applicant implements pest management measures.	Prior to construction and after construction.	
Mitigation Measure 4.I-8: (Sea-Level Protection) The City shall implement the following steps prior to project implementation: <ul style="list-style-type: none">Apply for membership in the National Flood Insurance Program (NFIP) Community Rating System (CRS), and as appropriate through revisions to the City Code, obtain reductions in flood insurance rates offered by the NFIP to community residents.Cooperate with FEMA in its efforts to comply with recent congressional mandates to incorporate predictions of sea level rise into its Flood Insurance Studies and FIRM.Implement climate adaptation strategies such as avoidance/planned retreat, enhance levees, setback levees to accommodate habitat transition zones, buffer zones and beaches, expanded tidal prisms for enhanced natural scouring of channel sediments, raising and flood-proofing structures, or provisions for additional floodwater pumping stations, and inland detention basins to reduce peak discharges.	City will incorporate measures into construction plans and specifications. City will implement measures as stated in Measure 4.I-8.	City of Alameda Community Development Department	City shall ensure that structural design and adaptive measures are incorporated in construction plans and specifications. City will monitor to ensure implementation of measures.	Prior to construction.	*Although implementation of this mitigation measure is the responsibility of the City of Alameda, it should be implemented prior to construction of the first new development project at Alameda Point.
J. Hazards and Hazardous Materials					
Mitigation Measure 4.J-1a: (Hazardous Building Material Assessment) Prior to issuance of any demolition permit, the project applicant shall submit to the City a hazardous building material assessment prepared by qualified licensed contractors for each structure intended for demolition indicating whether LBP or lead-based coatings, ACMs, and/or PCB-containing equipment are present.	Project applicant will obtain a qualified licensed contractor to prepare and submit a hazardous building material assessment. Qualified contractor will prepare and submit hazardous building material assessment for the Project applicant and City's review.	City of Alameda Community Development Department	City will review the hazardous building material assessment.	Prior to issuance of demolition permit(s).	*This mitigation measure applies only to projects entailing demolition of existing buildings or other structures.
Mitigation Measure 4.J-1b: (Health and Safety Plan) If the assessment required by Mitigation Measure 4.J-1a indicates the presence of LBP, ACMs, and/or PCBs, the project applicant shall create and implement a health and safety plan to protect demolition and construction workers and the public from risks associated with such hazardous materials during demolition or renovation of affected structures.	Project applicant will prepare and implement a health and safety plan if Measure 4.J-1 indicates the presence of LBP, ACMs, and/or PCBs.	City of Alameda Community Development Department	City will review health and safety plan. City will monitor to ensure that the health and safety plan is implemented.	Prior to and during construction.	*This mitigation measure applies only to projects entailing demolition of existing buildings or other structures.

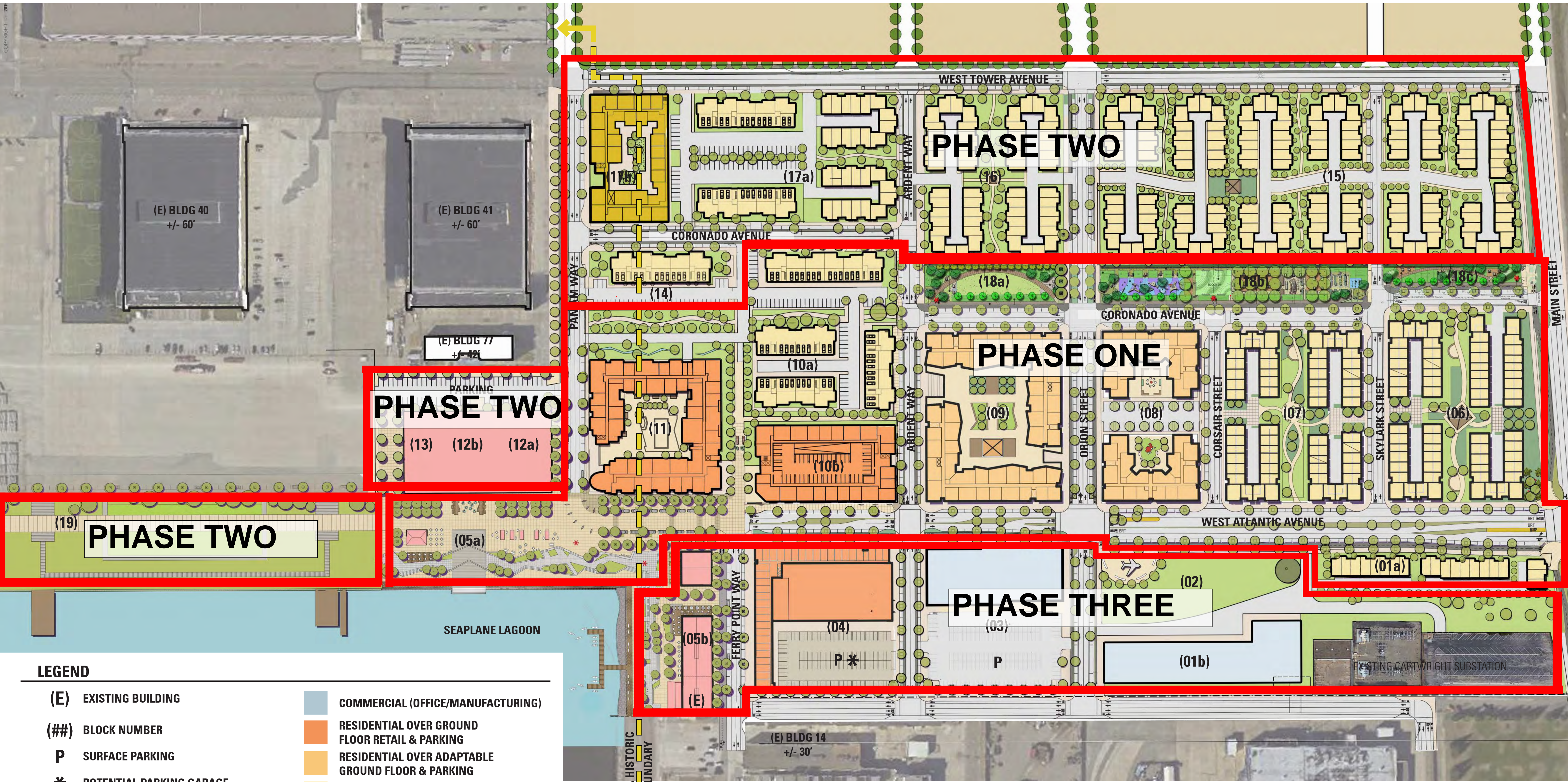
Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule	Notes
Mitigation Measure 4.J-1c: (LBP Removal Plan) If the assessment required by Mitigation Measure 4.J-1a finds presence of LBP, the project applicant shall develop and implement a LBP removal plan. The plan shall specify, but not be limited to, the following elements for implementation: <ul style="list-style-type: none">Develop a removal specification approved by a Certified Lead Project Designer.Ensure that all removal workers are properly trained.Contain all work areas to prohibit offsite migration of paint chip debris.Remove all peeling and stratified LBP on building and non-building surfaces to the degree necessary to safely and properly complete demolition activities according to recommendations of the survey. The demolition contractor shall be responsible for the proper containment and disposal of intact LBP on all equipment to be cut and/or removed during the demolition.Provide onsite personnel and area air monitoring during all removal activities to ensure that workers and the environment are adequately protected by the control measures used.Clean up and/or vacuum paint chips with a high efficiency particulate air (HEPA) filter.Collect, segregate, and profile waste for disposal determination.Properly dispose of all waste.	Project applicant will prepare and implement a LBP removal plan if LBP is found present.	City of Alameda Community Development Department	City will review LBP removal plan. City will monitor to ensure that LBP removal plan is implemented.	Prior to construction and during construction.	*This mitigation measure applies only to projects entailing demolition of existing buildings or other structures.
Mitigation Measure 4.J-1d: (Asbestos Abatement Plan) If the assessment required by Mitigation Measure 4.J-1a finds asbestos, the project applicant shall prepare an asbestos abatement plan and shall ensure that asbestos abatement is conducted by a licensed contractor prior to building demolition. Abatement of known or suspected ACMs shall occur prior to demolition or construction activities that would disturb those materials. Pursuant to an asbestos abatement plan developed by a state-certified asbestos consultant and approved by the City, all ACMs shall be removed and appropriately disposed of by a state certified asbestos contractor.	If asbestos is found upon implementation of Mitigation Measure 4.J-1a, Project applicant will prepare an asbestos abatement plan. Project applicant will obtain a state-certified asbestos consultant to prepare the asbestos plan. State-certified asbestos consultant will ensure that all ACMs are removed and appropriately disposed of.	City of Alameda Community Development Department	City will review and shall approve the asbestos abatement plan. Ensure that abatement of known or suspected ACMs are removed by a state certified asbestos contractor.	Prior to building demolition activities, and during demolition work.	*This mitigation measure applies only to projects entailing demolition of existing buildings or other structures.
Mitigation Measure 4.J-1e: (PCB Abatement) If the assessment required by Mitigation Measure 4.J-1a finds PCBs, the project applicant shall ensure that PCB abatement is conducted prior to building demolition or renovation. PCBs shall be removed by a qualified contractor and transported in accordance with Caltrans requirements.	If PCBs are found upon implementation of Mitigation Measure 4.J-1a, Project applicant will obtain a qualified contractor to implement PCB abatement. Qualified contractor will remove PCBs and will transport in accordance with Caltrans requirements.	City of Alameda Community Development Department	City will ensure that PCB abatement measure is incorporated in construction plans and specifications. City will monitor and ensure that PCB abatement measures are implemented.	Prior to and during building demolition or renovation work.	*This mitigation measure applies only to projects entailing demolition of existing buildings or other structures.
Mitigation Measure 4.J-2: (Site Management Plan) Prior to issuance of a building or grading permit for any ground breaking activities within the project site, the City shall prepare a Site Management Plan (SMP) that is approved by US EPA, DTSC, and the Water Board for incorporation into construction specifications. Any additional or remaining remediation on identified parcels from the City's tracking system shall be completed as directed by the responsible agency, U.S. EPA, DTSC, or Water Board, in accordance with the deed restrictions and requirements as well as any Covenants(s) to Restrict Use of Property (CRUP), prior to commencement of construction activities. Where necessary, additional remediation shall be accomplished by the project applicant prior to issuance of any building or grading permits in accordance with all requirements set by the overseeing agency (i.e., U.S. EPA, DTSC, or Water Board). The SMP shall be present on site at all times and readily available to site workers. The SMP shall specify protocols and requirements for excavation, stockpiling, and transport of soil and for disturbance of groundwater as well as a contingency plan to respond to the discovery of previously unknown areas of contamination (e.g., discolored soils, strong petroleum odors, an underground storage tank unearthed during normal construction activities, etc.). At a minimum the SMP shall include the following components:	City and Project applicant shall prepare a Site Management Plan (SMP) for U.S. EPA, DTSC, or State Water Resources Control Board's (Water Board) approval. City and Project applicant shall implement additional or remaining remediation efforts from the City's tracking system and as directed by the U.S. EPA, DTSC, or Water Board. City will implement measures contained in the approved SMP.	City of Alameda Community Development Department and U.S. EPA, DTSC, or Water Board.	The City, U.S. EPA, DTSC, or Water Board will review SMP and ensure SMP is incorporated into construction specifications. City and the overseeing agency will ensure that Project applicant implements additional remediation requirements based on those established by overseeing agency as well as any Covenants to Restrict Use of Property (CRUP). The City and the overseeing agency will ensure that the SMP is present on site at all	Prior to issuance of a building or grading permit	

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule	Notes
<p>1. <i>Soil management requirements.</i> Protocols for stockpiling, sampling, and transporting soil generated from onsite activities. The soil management requirements must include:</p> <ul style="list-style-type: none">• Soil stockpiling requirements such as placement of cover, application of moisture, erection of containment structures, and implementation of security measures. Additional measures related to BAAQMD dust control requirements as they apply to contamination shall also be included, as needed (see also Air Quality section).• Protocols for assessing suitability of soil for onsite reuse through representative laboratory analysis of soils as approved by U.S. EPA, DTSC, or Water Board, taking into account the site-specific health-based remediation goals, other applicable health-based standards, and the proposed location, circumstances, and conditions for the intended soil reuse.• Requirements for offsite transportation and disposal of soil not determined to be suitable for onsite reuse. Any soil identified for offsite disposal must be packaged, handled, and transported in compliance with all applicable state, federal, and the disposal facility’s requirements for waste handling, transportation and disposal.• Protocols for adherence to the City of Alameda’s Marsh Crust Ordinance.• Measures to be taken for areas of IR Site 13 where refinery wastes and asphaltic residues known as tarry refinery waste might be encountered. Measures shall include requirements for the storage, handling and disposal/recycling of any suspected tarry refinery waste that may be encountered.• Radiological screening protocols for the radiological sites identified by the Navy as approved by the U.S. EPA, where necessary. <p>2. <i>Groundwater management requirements.</i> Protocols for conducting dewatering activities and sampling and analysis requirements for groundwater extracted during dewatering activities. The sampling and analysis requirements shall specify which groundwater contaminants must be analyzed or how they will be determined. The results of the groundwater sampling and analysis shall be used to determine which of the following reuse or disposal options is appropriate for such groundwater:</p> <ul style="list-style-type: none">• Onsite reuse (e.g., as dust control);• Discharge under the general permit for stormwater discharge for construction sites;• Treatment (as necessary) before discharge to the sanitary sewer system under applicable East Bay MUD waste discharge criteria;• Treatment (as necessary) before discharge under a site-specific NPDES permit;• Offsite transport to an approved offsite facility. <p>For each of the options listed, the SMP shall specify the particular criteria or protocol that would be considered appropriate for reuse or disposal options. The thresholds used must, at a minimum, be consistent with the applicable requirements of the Water Board and East Bay MUD.</p> <p>3. <i>Unknown contaminant/hazard contingency plan.</i> Procedures for implementing a contingency plan, including appropriate notification, site worker protections, and site control procedures, in the event unanticipated potential subsurface hazards or hazardous material releases are discovered during construction. Control procedures shall include:</p> <ul style="list-style-type: none">• Protocols for identifying potential contamination through visual or olfactory observation;• Protocols on what to do in the event an underground storage tank is encountered;• Emergency contact procedures;• Procedures for notifying regulatory agencies and other appropriate parties;• Site control and security procedures;• Sampling and analysis protocols; and <p>4. Interim removal work plan preparation and implementation procedures.</p>					
<p>Mitigation Measure 4.J-7: (Land Use Restriction Tracking Program) The City shall include closed and open IR CERCLA sites that have land-use controls within its Land-use Restriction Tracking Program for identification and disclosure of any past cleanup efforts and current status of any remaining contamination, if any. Additional control measures such as vapor barriers and venting may be required as a condition of approval in areas where soil gas emissions have been identified. Prior to transfer of title for any parcel, the City shall require that the SMP as approved by US EPA, DTSC, and the Water Board be incorporated into intrusive site operations as required through deed restriction, enforceable Land Use Covenant, or any other applicable legal requirement.</p>	<p>City will include closed and open Installed Restoration (IR) CERCLA sites that have land-use controls within its Land-use Restrictions Tracking Program.</p> <p>City will ensure that the SMP (as approved by U.S. EPA, DTSC, and Water Board) be incorporated into intrusive site operations as required through deed restriction, enforceable Land Use Covenant, or any other applicable legal requirement.</p>	<p>City of Alameda Community Development Department</p>	<p>City shall ensure that its Land-use Restrictions Tracking Program includes open and closed IR CERCLA sites.</p>	<p>Prior to transfer of title for any parcel.</p>	<p>*This mitigation measure will only apply to sites that have land use controls due to existing or past site contamination. The City will identify restricted sites to project applicants.</p>

Mitigation Measures	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Mitigation Schedule	Notes
K. Aesthetics					
Mitigation Measure 4.K-4: (Lighting Mitigation) All lighting installations shall be designed and installed to be fully shielded (full cutoff) and to minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary, unless expressly exempted below. The location and design of all exterior lighting shall be shown on any site plan submitted to the City of Alameda for approval. The following lighting is exempt from these requirements: 1. Lighting in swimming pools and other water features. 2. Exit signs and other illumination required by building codes. 3. Lighting for stairs and ramps, as required by the building code. 4. Signs that are regulated by the City sign code. 5. Holiday and temporary lighting (less than thirty days use in any one year). Low-voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light trespass.	Project applicant and its contractor(s) shall prepare landscape plans that adhere to all specifications in Mitigation Measure 4.K-4.	City of Alameda Community Development Department	Verify that the design features and recommendations listed in the mitigation measure are incorporated into the design review application for the project.	Prior to approval of building permit(s)	
M. Utilities and Services Systems					
Mitigation Measure 4.M-5: (Solid Waste Management Plan) The City shall develop a solid waste management plan for the Alameda Point project consistent with Alameda’s demolition and debris ordinance. Plans for managing construction debris from specific reuse and development projects that require separation of waste types and recycling, and provide for reuse of materials onsite for the reuse and development areas, shall be developed by the project sponsor. The solid waste management plan shall be prepared in coordination with City staff, the project sponsor(s), and demolition subcontractors, and shall be approved by City staff prior to issuance of a demolition permit. The City and sponsors of projects shall work with organizations able to provide funding and technical assistance for managing and financing deconstruction, demolition, and recycling and reuse programs, should those programs exist at the time of site clearance.	Project applicant(s) shall develop a solid waste management plan through coordination with City staff and demolition subcontractors. City and Project applicant(s) shall work with organizations that would provide funding and technical assistance for managing and financing deconstruction, demolition and recycling and reuse programs.	City of Alameda Community Development Department	City of Alameda Community Development Department shall review plan.	Plan shall be developed prior to issuance of demolition permit.	* Although implementation of this mitigation measure is the responsibility of the City of Alameda, it should be implemented prior to issuance of a demolition permit to the first new development project at Alameda Point that requires demolition of existing buildings or other structures, including pavements. All projects will be required to comply with the solid waste management plan prepared by the City.

EXHIBIT 5

Exhibit F to the Development Agreement
Phasing Plan



LEGEND

- (E) EXISTING BUILDING
- (##) BLOCK NUMBER
- P SURFACE PARKING
- * POTENTIAL PARKING GARAGE
- PUBLIC PARKING
- OPEN SPACE - COLORS VARY
- COMMERCIAL (OFFICE/MANUFACTURING)
- RESIDENTIAL OVER GROUND FLOOR RETAIL & PARKING
- RESIDENTIAL OVER ADAPTABLE GROUND FLOOR & PARKING
- RESIDENTIAL TOWNHOME & WALK UP
- RETAIL (SHOPS & RESTAURANTS)

*THIS SITE PLAN & BUILDING CONFIGURATIONS ARE ILLUSTRATIVE ONLY. ALL IMPROVEMENTS SUBJECT TO DESIGN REVIEW APPROVAL.

*EXISTING BUILDINGS AND/OR SITES MAY BE OCCUPIED WITH USES CONSISTENT WITH THIS PLAN DURING ANY PHASE

ALAMEDA POINT | ALAMEDA, CA

ILLUSTRATIVE SITE PLAN - ALL PHASES

Phasing Plan – Alameda Point Site A
Proposed Buildings and Uses

Phase 1	Parcel Number	Acres	Proposed Use/Building Type	Building Square Footage, Units, or Acres/Parking Spaces
	1a	±0.86	Residential	17-21 Units
	5a	±2.63	Open Space	±2.63 acres
	6	±2.83	Residential/Townhomes	±64 units
	7	±2.43	Residential/Townhomes	±60 units
	8	±1.73	Residential/Podium	±130 units
	9	±2.42	Mixed Use	Residential: ±200 units Commercial: ±10,000 square feet
	10a	±2.78	Residential/Walk Up	70-88 Units
	10b	±1.34	Mixed Use	Residential: 90 Affordable Units Retail: ± 10,500 square feet
	11	±2.58	Mixed Use	Residential: ±220 units Commercial: ±15,000 square feet
	18	±1.92	Open Space	±1.92 acres
Phase 1 Subtotal		±21.48	Residential: 840 - 874 Units Commercial: ±35,500 square feet Open Space: ±4.55 acres	

Phasing Plan – Alameda Point Site A
Proposed Buildings and Uses

Project Phase	Parcel Number	Acres	Proposed Use/Building Type	Building Square Footage, Units, or Acres/Parking Spaces
Phase 2	12/13	±1.54	Theater	±53,000 square feet
	14	±0.84	Residential	20-25 Units
	15	±7.13	Residential	128-153 Units
	16	±2.40	Residential	73-88 Units
	17a	±2.78	Residential	42-52 Units
	17b	±1.02	Residential	103 Affordable Units
	19	±3.59	Open Space	3.59 Acres
Phase 2 Subtotal		±17.76	Residential: 366-421 Units Open Space: ±3.59 acres Entertainment: ±53,000 square feet	
Phase 3	1b	±2.57	Commercial	±38,000 square feet
	2	±1.54	Open Space	1.54 Acres
	3	±2.09	Commercial	±70,000 square feet/±56 parking spaces
	4	±2.15	Mixed Use / Hotel	Hotel: ±100,000 square feet (±150 rooms)/±96 parking spaces Commercial: ±6,000 square feet
	5b	±3.49	Open Space/Commercial	3.49 Acres Open Space Commercial: ±14,000sf
Phase 3 Subtotal		±11.8	Commercial: ±228,000 square feet Open Space: ±5.03 acres	
Total		±68	Residential: 1284 Units Commercial: Approx. 300,000 – 360,000 square feet Open Space: ±13.74 acres	

Phasing Plan – Alameda Point Site A
Proposed Buildings and Uses

Alameda Point Site A					
Phase 1					
Parcel	Land Total	Unit Density		Commercial/Retail	Land Use
		Low	High		
1a	0.85	17	21	-	Residential
5a	2.63	-	-	-	Open Space
6	2.83	64	64	-	Residential
7	2.43	60	60	-	Residential
8	1.73	130	130	-	Residential
9	2.42	200	200	10,000sf	Mixed-Use
10a	2.93	70	88	-	Residential
10b	1.15	79	91	10,500sf	Mixed-Use
11	2.58	220	220	15,000sf	Mixed-Use
18	1.92	-	-	-	Open Space
Phase 1 Total	21.47	840	874	±35,500sf	Varies
Phase 2					
12/13	1.54	-	-	53,000sf	Theater
14	0.84	20	25	-	Residential
15	7.13	128	153	-	Residential
16	2.4	73	88	-	Residential
17a	2.78	42	52	-	Residential
17b	1.02	103	103	-	Residential
19	3.59	-	-	-	Open Space
Phase 2 Total	19.3	366	421	±53,000sf	Varies
Phase 3					
1b	2.57	-	-	38,000sf	Commercial
2	1.54	-	-	-	Open Space
3	2.09	-	-	70,000sf	Commercial
4	2.15	-	-	106,000sf	Hotel / Commercial
5b	3.49	-	-	14,000sf	Open Space / Commercial
Phase 3 Total	11.8	-	-	±228,000sf	Varies
Site A Total	68.0	1284		Approx. 300,000sf - 360,000sf	Varies

**Total Site A acreage includes horizontal infrastructure*