

CITY OF ALAMEDA ORDINANCE NO. \_\_\_\_\_

New Series

AMENDING VARIOUS SECTIONS OF ALAMEDA MUNICIPAL CODE  
CHAPTER XXX (DEVELOPMENT REGULATIONS) AND THE  
CITYWIDE ZONING MAP TO IMPLEMENT THE HOUSING ELEMENT,  
AS RECOMMENDED BY THE PLANNING BOARD

WHEREAS, the California legislature has found that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives.” (Gov. Code § 65589.5.); and

WHEREAS, the legislature has further found that “Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.” (Gov. Code § 65589.5.); and

WHEREAS, the legislature recently adopted the Housing Crisis Act of 2019 (SB 330) which states that “In 2018, California ranked 49<sup>th</sup> out of the 50 states in housing units per capita... California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over 7 years”; and

WHEREAS, State Housing Element Law (Article 10.6 of Gov. Code) requires that the City Council adopt a Housing Element update for the period 2023-2031 to accommodate the Regional Housing Needs Allocation (RHNA) for the City of Alameda (City) of 5,353 housing units, comprised of 1,421 very-low income units, 818 low-income units, 868 moderate-income units, and 2,246 above moderate-income units; and

WHEREAS, State law requires that the City take meaningful steps to promote and affirmatively further fair housing (Gov. Code § 65583(c)(5)); and

WHEREAS, State law requires that the City make zoning available for all types of housing, including multifamily housing (Gov. Code § 65583.2 and 65583(c)); and

WHEREAS, Alameda City Charter Article 26 prohibits construction of multifamily housing and residential densities above 21 units per acre; and

WHEREAS, State law generally states that the Housing Element and the City’s zoning must support housing for all income levels, and residential densities under 30 units per acre do not support construction of housing for lower income households (Gov. Code § 65583.2(c)(3)(B)(iv)). Although State law may allow different densities, subject to a market study which considers market demand and financial feasibility, that option would ultimately require greater densities given that the City is located in the heart of the San Francisco Bay Area, a region with some of the highest land costs and highest construction costs in the country; and

WHEREAS, to address similar inconsistencies with State law, in 2012, the City adopted the Multi-Family (MF) overlay zone in Alameda Municipal Code (AMC) Section 30-4.23(b)(1) which allows densities of 30 residential units per acre and states, "In the event of a conflict between the provisions of the MF Combining District and the provisions of the underlying district or the Alameda Municipal Code or Alameda City Charter Article 26, the provisions of the MF District shall govern"; and

WHEREAS, the analysis of available sites to accommodate the City's RHNA of 5,353 housing units demonstrates that multifamily housing at densities of greater than 21 units per acre is necessary to accommodate the RHNA; and

WHEREAS, the Housing Element and amendments to AMC Chapter XXX (Development Regulations) must be adopted to comply with State law, accommodate the RHNA, affirmatively further fair housing, and facilitate and encourage a variety of housing types for all income levels, including multifamily housing (Gov. Code §§ 65583.2 and 65583(c)); and

WHEREAS, the preparation, adoption, and implementation of the Housing Element and companion zoning amendments requires a diligent effort to include all economic segments of the community; and

WHEREAS, the City conducted extensive community outreach over the last 18 months including over 25 public workshops before the Planning Board, Commission on Persons with Disabilities, Transportation Commission, and Historical Advisory Board; and

WHEREAS, this Ordinance is enacted, consistent with State law, to protect the public health, safety and welfare of Alameda residents; and

WHEREAS, on September 26, 2022, the Planning Board held a duly noticed public hearing and recommended that the City Council adopt a General Plan Amendment to update the Housing Element and a comprehensive set of zoning text amendments; and

WHEREAS, on October 10, 2022, the Planning Board held a duly noticed public hearing and recommended that the City Council adopt a General Plan Amendment to amend the General Plan Land Use Diagram for two properties and zoning map amendments for a total of seven properties identified in the Housing Element as housing opportunity sites; and

WHEREAS, on November 15, 2022, the City Council conducted a duly noticed public hearing, reviewed the zoning text amendments and amendments to the citywide zoning map and all pertinent maps, documents and exhibits, and determined the zoning amendments to be consistent with State law and the General Plan of the City of Alameda; and

WHEREAS, on that same date, the City Council approved a companion Resolution adopting a General Plan Amendment to update the Housing Element and the General Plan Land Use Diagram.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Alameda that:

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

1. **City Charter Conflict.** Article 26 of the City Charter and its implementing regulations are in direct conflict with State housing law and preempted and unenforceable to the extent necessary to adopt a Housing Element in compliance with state law. More specifically, Article 26 of the City Charter is preempted by Government Code Sections 65583.2(c), (h), and (i) and Section 65583(c)(1), which require the City to allow multi-family housing, and Government Code Section 65583.2(c)(3), which requires zoning appropriate to accommodate housing for lower-income households and zoning for a variety of housing types, and Government Code sections 8899.50 and 65583(c)(10), in that strict compliance with Article 26's requirements, without the necessary modifications as proposed, would not meet state law requirements.

2. **The amendments maintain the integrity of the General Plan.** The zoning text amendments and zoning map amendments (zoning amendments) are necessary to ensure consistency between the Housing Element, the Land Use Element, and the AMC. The zoning amendments also ensure consistency between State Housing Element Law and the AMC. The amendments also achieve General Plan policies and objectives for equal access to housing, access to transportation improvement funds, and mixed use, transit-oriented housing opportunities.

3. **The amendments will support the general welfare of the community.** The zoning amendments will support the general welfare of the community by establishing clear standards for a variety of housing types and densities consistent with State Housing Element Law requirements, and permitting multifamily housing at residential densities of at least 30 units per acre contrary to City Charter Article 26 as necessary to comply with State law.

4. **The amendments are equitable.** The zoning amendments are equitable in that they emphasize and reinforce form-based regulations and remove provisions that act to create barriers to access to housing for lower income and middle income households or to individuals that may require daily assistance or a specific housing type. The zoning amendments apply the form-based requirements equally to all housing types in each zoning district. Likewise, housing types are regulated equally. The zoning amendments also remove regulations that prohibit the most affordable housing types, such as the prohibition of construction of multifamily housing and the citywide density limitation on residential densities over 21 units per acre.

5. **Adoption of the amendments is in compliance with the California Environmental Quality Act.** On November 30, 2021, by Resolution No. 15841, the City Council certified a Final Environmental Impact Report for the Alameda 2040 General Plan (State Clearinghouse No. 2021030563) in compliance with CEQA, and adopted written findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program for the General Plan Amendment to update the Alameda General Plan (General Plan EIR), which evaluated the environmental impacts of 12,000 additional housing units in Alameda over 20 years, including 5,353 housing units to accommodate the RHNA between 2023 through 2031. Pursuant to CEQA Guidelines sections 15162

and 15163, none of the circumstances necessitating further CEQA review are present with respect to the General Plan EIR. Adoption of the Housing Element and corresponding amendments to the AMC to implement the policies and goals of the Housing Element would not require major revisions to the General Plan EIR due to new significant impacts or due to a substantial increase in the severity of the significant environmental effects. There have been no substantial changes with respect to the circumstances under which the project would be undertaken that would require major revisions of the General Plan EIR due to new or substantially increased significant environmental effects. Further, there has been no discovery of new information of substantial importance that would trigger or require major revisions to the General Plan EIR due to new or substantially increased significant environmental effects. For these reasons, no further environmental review is required.

Section 2. Section 30-2 Definitions of the Alameda Municipal Code is hereby amended as follows:

### **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* or structure shall mean a detached subordinate building or structure, 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, structure, or land 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 or lot 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 perpendicularly from the average level of the highest and lowest point of that portion of the lot covered by grade adjoining 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 Cashier Permit Program, per the California Civil Code, Section 1789. A check cashing use in conjunction with another use will be considered accessory to the use if the check cashing is not advertised outside the business premises or by signs visible from the outside of the building.

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

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

~~*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.

*Conditioned 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: [Off Street Parking Improvement, Location, and Dimensional Requirements and Standards](#)~~Location of Parking Spaces and Prohibited Parking Area.~~

*Dwelling, ~~multifamily~~multiple-family* shall mean a building [containing three or more dwelling units](#)~~designed and/or used to house three (3) or more families, living independently of each other.~~

*Dwelling, one-family* shall mean a ~~detached~~ building [containing one dwelling unit](#)~~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 [dwelling units](#)~~(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 [for use as a residence and intended for occupancy by one \(1\) family.](#)

[Emergency shelter \(per Health and Safety Code Section 50801\(e\)\) means housing with minimal supportive services for unhoused persons that is limited to occupancy of six \(6\) months or less by an unhoused person.](#)~~*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.

*Floating home* shall mean a boat that is used for a residential or other nonwater oriented purpose that is not capable of being used for active navigation as defined in subsection 13-38.5 of the Alameda Municipal Code, and is subject to the regulations set therein. Floating homes are also subject to the requirements of Article XIV of Chapter XIII of the Alameda Municipal Code.

*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, or other structure.~~

~~*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.

*High-quality transit corridor* shall mean a corridor with fixed-route bus service with service intervals no longer than 15 minutes during peak weekday commute hours.

*Historical* 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 employed.
4. Produces no evidence of its existence beyond the premises, such as noise, smoke, odors, vibrations, etc., except for one (1) nonilluminated sign pertaining directly to the particular home occupation.
5. That the conduct of the home occupation shall not create excessive automobile or truck traffic in the vicinity, and that the parking of commercial vehicles incidental to the home occupation shall be permitted upon the premises only in enclosed structures.

*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.

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

*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 minimum requirements of a building site;
4. A parcel of real property as defined in subparagraph 3. and bisected by a lot line(s) of a parcel(s) delineated pursuant to subparagraphs 1. or 2., the Title to which, with or without encumbrances, is unified; or
5. A lot of record;
6. "Lot" shall not include a unit of a condominium as defined in the general law;
7. The above definitions are mutually exclusive: Subparagraphs 3. and 4. shall not apply when their application would create an adjacent substandard parcel.

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

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

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

*Low Barrier Navigation Center* shall mean a housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing consistent with Government Code Section 65660.

*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.

*Major transit stop* shall mean a site containing any of the following: an existing rail or bus rapid transit station; a ferry terminal served by a bus transit service; or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

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

*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.



Private instruction shall mean instruction for personal and professional enrichment. Examples of private instruction include, but are not limited to, academic tutoring, language instruction, computer training and driver's training. Private instruction does not include instruction received through a trade or vocational school, nor a post-secondary school.

*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, clairsience, 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.~~ (per Health and Safety Code Section 1502(a)(1)) shall mean a facility licensed by the State of California to provide living accommodations and 24-hour care for persons requiring personal services, supervision, protection, or assistance with daily tasks. This classification excludes Supportive Housing and Transitional Housing. Residential care facilities include:

1. Residential Care, Small. A facility to provide housing and care for six or fewer persons 18 years of age or older.
2. Residential Care, Large. A facility to provide housing and care for seven or more persons 18 years of age or older.
3. Residential Care, Senior (Assisted Living). A facility to provide housing and care for residents 60 years of age or older with varying levels of care and supervision are provided as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal. This classification includes continuing care retirement communities and life care communities licensed for residential care by the State of California. This classification applies to facilities that provide care for seven or more persons; a senior residential care facility for six or fewer persons would instead be classified as "small."

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

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

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

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

~~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. A shared common kitchen and common activity area may be provided. Shared living ~~also includes, but is not limited to dormitories, rooming houses, and~~ single room occupancy (SRO) units, ~~which provide housing for very low-income persons that typically consist of a single room with access to a shared bath. Shared living may be restricted to seniors or be available to persons of all ages.~~

*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* (per Government Code Section 65582(g)) means housing with no limit on length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

*Target Population* (per Government Code Section 65582) shall mean persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services. It may include, among other populations, adults, emancipated minors, families with children, elderly persons,

young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and people experiencing homelessness.

*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 (per Government Code Section 65582(j))* means buildings configured as rental housing developments but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some future point in time, which shall be no less than six months from the beginning of the assistance. ~~*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, neighborhood, or district, such as wastewater pump stations, hydrants, switching boxes, transformers, and other facilities and structures typically located in the public right-of-way.

*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.

*Warming center* shall mean an emergency shelter that is accessory to a primary use and is typically operated on an intermittent or seasonal basis to provide overnight or temporary shelter for 24 hours or less.

*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.

Section 3. Section 30-3 Zoning Districts of the Alameda Municipal Code is hereby amended as follows:

### **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:

<b>Map Symbol</b>	<b>District Designation</b>
R-1	<del>One-Family Residence</del> <u>R-1 Residential</u> District
R-2	<del>Two-Family Residence</del> <u>R-2 Residential</u> District
R-3	<del>Garden</del> <u>R-3</u> Residential District
R-4	<del>Neighborhood</del> <u>R-4</u> Residential District
R-5	<del>General</del> <u>R-5</u> Residential District
R-6	<del>Hotel</del> <u>R-6</u> Residential District
A-P	Administrative-Professional District
C-1	Neighborhood Business District
C-2	Central Business District

<b>Map Symbol</b>	<b>District Designation</b>
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

### 30-3.2 Combining Districts.

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

<b>Map Symbol</b>	<b>District Designation</b>
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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
<a href="#">CMU</a>	<a href="#">Community Mixed Use Combining District</a>

### 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" [adopted by the City Council and kept, maintained, and updated by the City Clerk. 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.

Section 4. Section 30-4 District Uses and Regulations of the Alameda Municipal Code is hereby amended as follows:

### 30-4 - DISTRICT USES AND REGULATIONS.

**30-4.1 - R-1, ~~One-Family and Two-Family Residence~~Residential 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 one-family home dwelling~~ or any new unit added to a lot created pursuant to the provision of lot splits, subsection d.~~32~~ 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 multifamily dwelling](#), 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,~~ small, 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.

12. Shared living.

13. Warming centers if accessory to a primary, permitted use.

14. Home occupations in compliance with the standards set forth in the definition of "home occupation" in Section 30-2, Definitions.

15. Accessory structures, including but not limited to private, noncommercial garages, swimming pools, boat landings, docks, piers and similar structures.

- 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.~~

~~2.1. Private and religious s~~S~~Schools, day care centers and churches.~~

~~3.2. Community assembly. Community care facilities no listed under uses permitted.~~

~~4.3.~~ 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.

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5.4. 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 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.32.

2. Maximum Residential Density: One dwelling unit per two thousand (2,000) square feet of lot area or 21.78 units per acre. Residential density may be increased subject to Subsection b.2 and Subsection d.3.

2.3. 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.

~~3.4.~~ Minimum Lot Width: Fifty (50') feet. Lot width may be reduced if the project meets the requirements of subsection d.~~3.2~~, lot splits.

~~4.5.~~ 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 f~~Forty-eight (48%) percent.

~~5.6.~~ Maximum Building Height Limit: Not to exceed thirty (30') feet.

~~6.7.~~ Minimum Front Yard: Twenty (20') feet.

~~7.8.~~ Minimum ~~Interior~~ Side Yard: Five (5') feet ~~for one-family dwellings.~~

~~8.9.~~ Minimum Street Side Yard. The side yard on the street side of a corner lot shall not be less than ten (10') feet.

~~9.10.~~ 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).~~

~~10.11.~~ 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.

~~11.12.~~ Minimum Separation between Buildings on Same Lot: As required by the California Building Code.

~~12.13.~~ Off-Street Parking Space: As regulated in Section 30-7 of this Code.

~~13.14.~~ Government Code Sections 65852.21 and 66411.7 Exemptions.

- (a) If a proposed housing development is being provided pursuant to Government [Code](#) Sections 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.[32](#), 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.

#### 30-4.2 - R-2, [Two-Family Residence](#)[Residential](#) 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 [in lower density neighborhoods](#) where [one-family](#), two-family, [and multifamily](#) dwellings are or are intended to be the dominant use, ~~as developed from density standards of the General Plan.~~
- b. *Uses Permitted.*
  - 1. [One-family, two-family, and multifamily dwellings.](#) ~~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. [Shared living.](#)
  - 3. [Supportive and transitional housing.](#)
  - ~~2.4.~~ Agriculture, horticulture, home gardening, excluding retail sales of nursery products, or the raising of rabbits, dogs, fowl or other animals for commercial purposes.
  - ~~3.5.~~ Underground and above ground utility installations for local service, ~~except that substations, generating plants, gas and transmission lines must be approved by the Planning Board prior to construction.~~

- ~~4.6.~~ Public parks, ~~schools,~~ playgrounds, libraries, fire stations and other public buildings and uses ~~included in the General Plan.~~
  - ~~5.7.~~ Signs: As ~~regulated~~ provided in Section 30-6 of these regulations.
  - ~~6.8.~~ Multiple houses.
  - ~~7.9.~~ Family day care homes, large and family day care homes, small, as licensed by the State of California.
  - ~~8.10.~~ Residential care facilities ~~providing care for no more than six (6) persons.~~
  - ~~9.11.~~ Accessory dwelling units and junior accessory dwelling units.
  - ~~12.~~ Warming centers if accessory to a primary, permitted use.
  - ~~13.~~ Home occupations in compliance with the standards set forth in the definition of "home occupation" in Section 30-2, Definitions.
  - ~~10.14.~~ Accessory structures, including but not limited to private, noncommercial garages, swimming pools, boat landings, docks, piers and similar structures.
- 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.~~
  - ~~2.1.~~ ~~Private and religious s~~ Schools, day care centers and churches.
  - ~~3.2.~~ Community assembly. ~~Community care facilities not listed under uses permitted.~~
  - ~~4.3.~~ 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.
  - ~~5.4.~~ Bed and breakfast facilities ~~in, upon~~ compliance with standards set forth in the definition for "bed and breakfast facility" in Section 30-2, Definitions.

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0. ~~Automobile parking lots and ancillary facilities for ferry terminals serving the general public, provided that:~~

- ~~( ) Parking lots and ancillary facilities adjoin a commercial planned development zoned area or an industrially zoned area in which terminals are permitted;~~
- ~~( ) There is an entrance to the automobile parking lots and ancillary facilities for ferry terminals adjacent to nonresidential areas; and~~
- ~~( ) 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.~~

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

1. Minimum Lot Area: ~~Not less than five thousand (5,000)~~ Two thousand (2,000) 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 houses where there shall be not less than two thousand five hundred (2,500) square feet of lot area for each dwelling unit.~~
2. Minimum Lot Width: None. ~~Not less than fifty (50') feet on all lots recorded on and after the effective date of this article, August 1, 1958.~~
3. Maximum Residential Density: One dwelling unit per two thousand (2,000) square feet of lot area or 21.78 units per acre.
- ~~3.4.~~ 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 f~~ifty-three (53%) percent.
- ~~4.5.~~ Building Height Limit: Not to exceed thirty (30') feet.
- ~~5.6.~~ Minimum Front Yard: Twenty (20') feet. ~~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.~~



- ~~6-7.~~ Minimum Side Yard: Five (5') feet. ~~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.~~
- ~~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).~~
- ~~7-10.~~ Minimum Separation between Buildings on Same Lot: As required by the California Building Code.
- ~~8-11.~~ 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.
- ~~9-12.~~ Usable Open Space Requirements: A minimum of sixty (60) square feet per dwelling unit shall be provided consistent with the dimensional requirements of Section 30-5.12, Definition of Required Open Space. ~~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.~~
- ~~10-13.~~ Off-Street Parking Space: As regulated in Section 30-7, Off-Street Parking, Electric Vehicle Charging, and Transportation Demand Management Regulations.

### 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 multifamily dwellings 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. One-family dwellings, two-family dwellings, and multifamily dwellings.
  2. Shared living.
  3. Supportive and transitional housing.
  4. Agriculture, horticulture, home gardening, excluding retail sales of nursery products and the raising of rabbits, dog, fowl or other animals for commercial purposes.
  5. Public parks, playgrounds, libraries, fire stations and other public buildings and uses.
  6. Underground and above-ground utility installations for local service.
  - ~~4-7.~~ Signs: ~~Those pertaining directly to a permitted multifamily or nonresidential use on the property, and as further regulated~~ As regulated in Section 30-6 of these regulations.
  - ~~2-8.~~ Multiple houses.
  - ~~3-9.~~ Family day care homes, large and family day care homes, small, as licensed by the State of California.
  - ~~4-10.~~ Residential care facilities ~~providing care for no more than six (6) persons.~~
  - ~~5-11.~~ Bed and breakfast facilities ~~in, upon~~ compliance with standards set forth in the definition for "bed and breakfast facility" in Section 30-2, Definitions.
  - ~~6-12.~~ Accessory dwelling units and junior accessory dwelling units.
  13. Warming centers if accessory to a primary, permitted use.

14. Home occupations in compliance with the standards set forth in the definition of “home occupation” in Section 30-2, Definitions.

15. Accessory structures, including but not limited to private, noncommercial garages, swimming pools, boat landings, docks, piers and similar structures

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 s~~Schools, day care centers ~~and churches.~~

3. Community assembly. ~~Community care facilities not listed under uses permitted.~~

~~0. Automobile parking lots and ancillary facilities for ferry terminals serving the general public, provided that:~~

~~(-) Parking lots and ancillary facilities adjoin a commercial planned development zoned area or an industrially zoned area in which terminals are permitted;~~

~~(-) There is an entrance to the automobile parking lots and ancillary facilities for ferry terminals adjacent to nonresidential areas; and~~

~~(-) 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.~~

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

1. Minimum Lot Area: ~~Not less than Two thousand (2,000) 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. Minimum Lot Width: None. Not less than fifty (50') feet on all lots recorded on and after the effective date of this article August 1, 1958.
3. Maximum Residential Density: Thirty (30) units per acre or one dwelling unit per one thousand four hundred fifty-two (1,452) square feet of lot area.
- ~~3.4.~~ Maximum Main Building Coverage: Forty (40%) Fifty three (53%) percent of lot area.
- ~~4.5.~~ Building Height Limit: Not to exceed thirty-five (35') feet.
- ~~5.6.~~ Minimum Front Yard: Twenty (20') feet.
- ~~6.7.~~ Minimum Side Yard: Five (5') feet. 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.
8. Minimum Street Side Yard: The side yard on the street side of a corner lot shall not be less than ten (10') feet.
- ~~7.9.~~ 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).
- ~~8.10.~~ Minimum Separation between Buildings on Same Lot: As required by the California Building Code. Distances between Main Buildings on Same Lot: Twenty (20') feet.
- ~~9.11.~~ 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.
- ~~10.12.~~ Usable Open Space Requirements: A minimum of sixty (60) square feet per dwelling unit shall be provided, consistent with the dimensional requirements of Section 30-5.12, Definition of Required Open Space. 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.~~

~~44.13.~~ Off-Street Parking Space: As regulated in Section 30-7, Off-Street Parking, Electric Vehicle Charging, and Transportation Demand Management Regulations.

#### **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, and multifamily dwellings 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. One-family dwellings, two-family dwellings, and multifamily dwellings.~~
  2. Shared living.
  3. Supportive and transitional housing.
  4. Agriculture, horticulture, home gardening, excluding retail sales of nursery products and the raising of rabbits, dog, fowl or other animals for commercial purposes.
  5. Underground and above- ground utility installations for local service.
  6. Public parks, playgrounds, libraries, fire stations and other public buildings and uses.
  7. Family day care homes, large and family day care homes, small, as licensed by the State of California.

8. Residential care facilities.
  9. Accessory dwelling units and junior accessory dwelling units.
  10. Warming centers if accessory to a primary, permitted use.
  11. Home occupations in compliance with the standards set forth in the definition of “home occupation” in Section 30-2, Definitions.
  - 4-12. Accessory structures, including but not limited to private, noncommercial garages, swimming pools, boat landings, docks, piers and similar structures.
  13. Multiple Houses.
  - 2-14. 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. Schools and day care centers~~Uses not otherwise permitted in paragraph b. and as required in R-3 Districts.~~
  2. Community assembly.
  - 2-3. Storage garage buildings when constructed on a vacant lot, and for the primary use of occupants of adjacent buildings.
  - 3-4. 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.
  - 4-5. Administrative offices of nonprofit community social service organizations.
  - 5-6. Bed and breakfast facilities, ~~upon~~ in compliance with standards set forth in the definition for “bed and breakfast facility” in Section 30-2, Definitions.
  - 6-7. 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.~~

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

1. Minimum Lot Area: Not less than Two thousand (2,000) 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. Minimum Lot Width: None. Not less than fifty (50') feet on all lots recorded on and after the effective date of this article, August 1, 1958.
3. Maximum Residential Density: Forty (40) dwelling units per acre, or one dwelling unit per one thousand eight-nine (1,089) square feet of lot area.
- ~~3.4.~~ Maximum Main Building Coverage: Fifty three (530%) percent of lot area.
- ~~4.5.~~ Building Height Limit: Not to exceed thirty-five (35') feet.
- ~~5.6.~~ Minimum Front Yard: Twenty (20') feet.
- ~~6.7.~~ Minimum Side Yard: Five (5') feet. The side yard on the street side of a corner lot shall not be less than ten (10') feet 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.



- ~~7.8.~~ 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).~~
- ~~8.9.~~ Minimum Separation between Buildings on Same Lot: As required by the California Building Code. ~~Distances between Main Buildings on Same Lot: Twenty (20') feet.~~
- ~~9.10.~~ 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.
- ~~10.11.~~ Usable Open Space Requirements: A minimum of sixty (60) square feet per dwelling unit shall be provided consistent with the dimensional requirements of Section 30-5.12, Definition of Required Open Space. ~~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 four hundred (400) 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 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.~~
- ~~11.12.~~ Off-Street Parking Space: As regulated in Section 30-7, Off-Street Parking, Electric Vehicle Charging, and Transportation Demand Management Regulations.

### 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-~~-, and multifamily dwellings~~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. One-family dwellings, two-family dwellings, multifamily dwellings.~~
  2. Shared living.
  3. Supportive and transitional housing.
  4. Agriculture, horticulture, home gardening, and excluding retail sales of nursery products and the raising of rabbits, dog, fowl or other animals for commercial purposes.
  5. Underground and above-ground utility installations for local service.
  6. Family day care homes, large and small, as licensed by the State of California.
  7. Residential care facilities.
  8. Accessory dwelling units and junior accessory dwelling units.
  - 3-9. Private storage garages, parking lots uncovered and screened by suitable walls or planting when operated by or in conjunction with a permitted use.
  - 4-10. Parks, playgrounds, ~~public and private~~ schools, community assembly churches and religious institutions, libraries, nurseries, day care centers, and public buildings.
  - 5-11. Signs: As ~~provided~~regulated in Section 30-6 of these regulations.
  - 6-12. Bed and breakfast facilities, ~~upon~~ in compliance with standards set forth in the definition for “bed and breakfast facility” in Section 30-2, Definitions.

13. Warming centers if accessory to a primary, permitted use.

14. Home occupations in compliance with the standards set forth in the definition of “home occupation” in Section 30-2, Definitions.

15. Incidental and accessory buildings and uses on the same lot with, and necessary for, the operation of any permitted use.

16. Multiple Houses.

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. Low barrier navigation centers. ~~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, Sign Regulations 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;~~

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- ~~(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. Minimum Lot Area: ~~Not less than Two thousand (2,000) square feet. 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. Minimum Lot Width: ~~None. Not less than fifty (50') feet on all lots recorded on and after the effective date of this article, August 1, 1958.~~
3. Maximum Residential Density: ~~Fifty (50) dwelling units per acre, or one dwelling unit per eight hundred seventy-one (871) square feet of lot area.~~
- 3.4. Maximum Main Building Coverage: Fifty three (530%) percent of lot area.
- 4.5. Building Height Limit: Not to exceed forty (40') feet.
- 5.6. Minimum Front Yard: Twenty (20') feet.
- 6.7. Minimum Side Yard: ~~Five (5') feet. 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.~~
8. Minimum Street Side Yard. ~~The side yard on the street side of a corner lot shall not be less than ten (10') feet.~~
- 7.9. Minimum Rear Yard: Twenty (20') feet. ~~Not more than forty percent (40%) of the rear yard, as defined in Section 30-2, may be occupied by accessory buildings or structures (swimming pools excepted).~~

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~~8-10.~~ Minimum Separation between Buildings on Same Lot: As required by the California Building Code.~~Distances between Main Buildings on Same Lot: Twenty (20') feet.~~

~~9-11.~~ 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.

~~10-12.~~ Usable Open Space Requirements: A minimum of sixty (60) square feet per dwelling unit shall be provided consistent with the dimensional requirements of Section 30-5.12, Definition of Required Open Space. 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.

~~11-13.~~ Off-Street Parking and Loading Space: As regulated in Section 30-7, Off-Street Parking, Electric Vehicle Charging, and Transportation Demand Management Regulations.

#### **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-~~, and multifamily dwellings ~~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. One-family dwellings, two-family dwellings, and multifamily dwellings.~~
2. ~~Accessory dwelling units and junior accessory dwelling units.~~
3. ~~Shared living.~~
4. ~~Supportive and transitional housing.~~
5. ~~Agriculture, horticulture, home gardening, and excluding retail sales of nursery products and the raising of rabbits, dog, fowl or other animals for commercial purposes.~~
6. ~~Residential care facilities.~~
- 4-7. ~~Parks, playgrounds, schools, community assembly, libraries, nurseries, day care centers, and public buildings.~~
- 2-8. ~~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, [low barrier navigation centers](#), 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.~~
- 3-9. ~~Incidental and accessory buildings and uses on the same lot with, and necessary for, the operation of any permitted use.~~
- 4-10. ~~Signs: Those pertaining directly to a permitted multifamily or nonresidential use on the property, and as further regulatedAs provided~~ in Section 30-6 of these regulations.
11. ~~Bed and breakfast facilities, upon in~~ compliance with standards set forth in the definition for “bed and breakfast [facility](#)” in Section 30-2, [Definitions](#).
12. ~~Warming centers if accessory to a primary, permitted use.~~
- 5-13. ~~Home occupations in compliance with the standards set forth in the definition of “home occupation” in Section 30-2, Definitions.~~

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.~~

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### 3-2. Commercial recreation.

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

1. Minimum Lot Area: ~~Not less than Two thousand (2,000) square feet. 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. Maximum Residential Density: ~~Sixty (60) dwelling units per acre, or one dwelling unit per seven hundred twenty-six (726) square feet of lot area. 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. Minimum Front Yard: Twenty (20') feet.



6. Minimum Side Yard: Five (5') feet. ~~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. Minimum Street Side Yard: The side yard on the street side of a corner lot shall not be less than ten (10') feet.
- ~~7.8. Minimum~~ Rear Yard: Twenty (20') feet. ~~Nor more than forty percent (40%) of the rear yard, as defined in Section 30-2, may be occupied by accessory buildings or structures (swimming pools excepted).~~
- ~~8.9. Minimum Separation between Buildings on Same Lot: As required by the California Building Code. Distances Between Main Buildings on Same Lot: Same as required in R-5 Districts.~~
- ~~9.10.~~ 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.
- ~~10.11.~~ Usable Open Space Requirements: A minimum of sixty (60) square feet per dwelling unit shall be provided consistent with the dimensional requirements of Section 30-5.12, Definition of Required Open Space. 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.
- ~~11.12.~~ Off-Street Parking and Loading Space: As regulated in Section 30-7, Off-Street Parking, Electric Vehicle Charging, and Transportation Demand Management Regulations.

#### **30-4.7 – A-P, Administrative-Professional District.**

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### 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.~~

2.1. The following retail and similar business uses ~~when if~~ conducted principally within enclosed structures and ~~where if~~ 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) Full service and self-operated ~~L~~ laundries and cleaning agencies, including pressing, spotting, garment repair and alteration service,

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- (n) Private instruction, including tutoring, yoga, music, martial arts, and dance studios~~Music and dancing studios,~~
  - (o) Repair shops for shoes, radios and television sets, small domestic appliances, watches and similar items,
  - ~~(p)~~ Restaurants, snack bars, lunch counters, but excluding drive-ins,
  - (q) Bed and breakfast facilities, ~~upon in~~ compliance with standards set forth in the definition for “bed and breakfast facility” in Section 30-2, Definitions.
  - (r) Offices, business and professional, located above the ground floor.
  - (s) Medical clinics, including dental clinics, eye doctors, and medical businesses 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.
  - ~~(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.~~
2. Dwellings, multifamily; residential care facilities; shared living; and transitional and supportive housing are permitted if located on upper floors of buildings also containing nonresidential uses. No dwelling units, sleeping rooms, or living quarters may be located on the ground floor.
  3. Low barrier navigation centers.
  4. Parks, playgrounds, libraries, fire stations, and other public buildings and uses.
  5. Schools, day care centers, and community assembly uses.
  6. Family day care homes, large and small, as licensed by the State of California.

3.7. Public utility service offices and underground or above ground public utility facilities primarily for local service such as substations, gas regulators, manned or unmanned communications equipment buildings, and similar uses.

4.8. Signs: As provided in Section 30-6 of these regulations.

9. Accessory dwelling units and junior accessory dwelling units, as regulated in Section 30-5.18, when a primary dwelling exists on the lot.

10. Warming centers, accessory to any primary, permitted use.

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).~~

1. The following uses if located within the fifty (50%) percent of the ground-floor space of a building nearest to any adjoining public street, public alley or public sidewalk:

(a) Facilities supporting upper-floor residential uses, such as leasing offices, fitness centers and other accessory uses;

(b) Offices, business or professional; and

(c) Health clinics, including dental clinics, eye doctors, and similar medical businesses.

3-2. 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.

4-3. The following and similar retail business, or service uses:

~~(a)~~ Public buildings intended to directly serve the public,

~~(b)~~ Self-operated laundries,

~~(c)~~ (a) Taverns without live entertainment,

~~(d)~~ Restaurants, snack bars, lunch counters, but excluding drive-ins,

~~(e)~~ (b) Convenience food stores,

~~(f)~~ (c) Grocery stores,

~~(g)~~ (d) Liquor stores,

~~(h)~~ (e) Plant nurseries,

~~(i)~~ (f) Those portions of grocery stores devoted to the sale of alcoholic beverages,

~~(j)~~ (g) Small upholstery shops, exclusive of refinishing and other furniture repair or manufacturing,

~~(k)~~ (h) Commercial recreation.

5-4. Any permitted use listed in paragraph b-b, Uses Permitted, that does business between the hours of 10:00 p.m. and 7:00 a.m.

6-5. Any permitted use listed in paragraph b-b, Uses Permitted, which is not principally conducted within an enclosed structure. However, outdoor accessory facilities associated with a permitted use, such as trash enclosures, backup generators, and play structures, shall be exempt from the use permit requirement.

7-6. Theaters with live performances that are in combination with other permitted uses.

8-7. Pet shops and animal grooming facilities. Such uses may be allowed only upon a finding that sufficient air conditioning and soundproofing will be

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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.

~~9.8.~~ Boutique theater.

~~10.9.~~ 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.

~~12.10.~~ Work/live studios subject to the requirements of Section 30-15, Work/Live Studios.

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

1. Lot Area, Lot Width, Building Coverage Regulations: None.

2. Maximum Residential Density: None.

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

2.4. Building Height Limit: ~~Two (2) stories but not to exceed thirty (30')~~Forty five (45') feet, unless the height limit for an adjoining residential district exceeds 45 feet, in which case the height limit of the adjoining residential district shall apply. Where any side or rear lot line abuts a residential district, the maximum height of the adjacent residential district shall apply within twenty (20') feet of the property line.

3.5. Minimum Front Yard: None.

6. Minimum Building Frontage: Buildings shall be located on the front property line. A minimum of eighty-five (85%) percent of the area between the side property lines must be occupied by building mass, plazas, or paseos along the primary street frontage.

4.7. Minimum Side Yard: No setback shall be required, except where the side yard of a lot abuts an R District, then a minimum side yard of five (5') feet shall be maintained.

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~~5-8.~~ Minimum Rear Yard: None, except where the rear yard abuts an R District a minimum of ~~fifteen (15')~~ ten (10') feet shall be maintained.

~~6-9.~~ Off-street Parking and Loading Space: As regulated in Section 30-7, Off-Street Parking, Electric Vehicle Charging, and Transportation Demand Management Regulations.

### **30-4.9 – C-2, Central Business District.**

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### **30-4.9A – C-C, Community Commercial DistrictZone.**

- a. *General.* The Community Commercial (C-C) Zoning District is intended to provide for general retail, personal service use, offices, restaurants, hotels/motels, residential uses, service stations, public and quasi-public uses and similar and compatible uses serving a community-wide need under design standards which ensure compatibility and harmony with adjoining land uses. Emphasis is on pedestrian-oriented retail and service uses on the ground floor level, with office and residential uses on the upper levels. Automobile related uses are regulated by use permit and prohibited on Park Street and Webster Street frontages.
- b. *Uses Permitted.*
  1. The following retail sales and services~~uses~~ are permitted in the C-C District:
    - (a) Antiques and collectibles,
    - (b) Appliances, large and small,
    - ~~(c)~~ Art gallery,
    - (d) Arts and crafts supplies,
    - (e) Arts and crafts store,
    - (f) Bakery, including use of the commercial kitchen for catering as an accessory use,
    - (g) Bank, saving and loan, including ATM facilities but excluding drive-through facilities,
    - (h) Bicycle store,
    - (i) Blueprint shop,
    - (j) Books, periodicals, and comics, including reading rooms,
    - (k) Camera store,
    - (l) Candy store,
    - (m) Clock or watch store,



- (n) Clothing store, new inventory only,
- (o) Coffee house, including retail,
- (p) Coin store,
- (q) Computer store,
- (r) Delicatessen,
- (s) Department store,
- (t) Drug store and pharmacy, including fountain and food service,
- (u) Dwelling units — when the units are located in structures also containing nonresidential uses and are not located on the ground floor, Dwellings, multifamily; residential care facilities; shared living; and transitional and supportive housing; when the living quarters are not located on the ground floor, fronting onto the public right of way,
- (v) Electronic items, retail only,
- (w) Fabric and notions,
- (x) Florist,
- (y) Frame shop,
- (z) Furniture store, new inventory only,
- (aa) Hairstyling and beauty salons, including but not limited to body care services such as manicures, pedicures, make up, facials, waxing, electrolysis, tanning within the Park Street C-C District only. Piercing, tattoo and massage allowed when accessory to the primary use of hairstyling provided no more than two (2%) percent of the floor area is devoted to the accessory use,
- (bb) Hardware store,
- (cc) Home furnishings,
- (dd) Hotel and motel, provided floor area devoted to a retail service use allowed within this district is included on the ground floor,
- (~~dee~~) Ice cream store,
- (~~eff~~) 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,
- (~~gg~~) Full service and self-operated Llaundry and cleaning establishments, including pressing, spotting, garment repair and alterations and self-operated facilities when accessory to the primary use,
- (~~ggh~~) Lighting fixtures,

(ii) Low barrier navigation centers,

(~~hh~~jj) Luggage store,

(~~kk~~ll) Massage businesses located above the ground floor,

(~~jj~~ll) Medical supplies store,

(~~kk~~mm) Music store, including the sale of recorded music, sheet music and instruments,

(~~nn~~nn) Newspaper offices,

(~~mm~~oo) Office uses, provided that such uses shall not occupy the front fifty (50%) percent of the ground floor space directly fronting ~~a public street, alley or sidewalk onto Park Street or Webster Street~~, which shall be reserved for retail sales and/or service uses permitted in the district. ~~Parcels that have a frontage on Santa Clara Avenue and are located between Park Avenue and Broadway may have office uses occupying the entire ground floor space,~~

(~~nn~~pp) Paint and wallpaper store,

(~~oo~~qq) 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~~rr) Photography store, including photo developing and studio,

(~~qq~~ss) Plumbing and electrical supply or fixture store, provided more than fifty (50%) percent of the floor space is devoted to retail sales,

(~~rr~~tt) Political campaign offices, not to exceed six (6) months total time nor eight (8) months if the campaign is both primary and election,

(~~ss~~uu) Printing establishment,

(~~vv~~vv) Private instruction, including tutoring, yoga, music, martial arts, and dance studios,

(~~tt~~ww) Repair shop for shoes, radios/televisions, small domestic appliances, watches and jewelry and similar non-auto related items,

(~~uu~~xx) Restaurant, coffee shop, snack bar, lunch counter, including catering as an accessory use but excluding drive-through service,

(~~vv~~yy) Shoe store,

(~~ww~~zz) Sporting goods store, golf shop and similar sports supplies store,

(~~xx~~aaa) Stationery and card store,

(yybbb) Tailor and dressmaking, haberdashery, millinery excluding wholesale manufacturing,

(zzccc) Tattoo parlors located above the ground floor,

(aaadd) Toy store,

(bbbee) Travel agency,

(ceeff) 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 in compliance with standards set forth in the definition for “bed and breakfast facility” in Section 30-2, Definitions,
- (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),~~
- ~~(ts) Dwellings, multifamily; residential care facilities; shared living; and transitional and supportive housing; when the living quarters are located on the ground floor, fronting onto the public right of way. 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,~~
- ~~(ut)~~ Gasoline service stations, exclusive of body, chassis and painting work, provided that all operations except accept the service with gasoline, oil, air and water shall be conducted within a building. See also yard requirements for gasoline stations, paragraph (g) of this subsection and driveway requirements subsection 30-5.7i,
- ~~(vu)~~ 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,
- ~~(wv)~~ 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,~~
- (yw) Liquor store,
- (zx) Lodge hall and social club,
- ~~(aa) Martial arts, dance, jazzercise and similar uses,~~
- (by) Massage businesses located on the ground floor,
- (ez) Medical facility,
- ~~(dd) Music studios,~~
- (eaa) 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,
- (fbb) Plant nursery,
- (ggcc) Public park, ~~public and private~~ school, ~~church and religious institution~~community assembly, library, ~~nursery and~~ day care center, playground, fire station and other public buildings and uses ~~included in the General Plan,~~
- (hdd) 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,~~
- (jee) 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, Definitions, are prohibited,
- ~~(kk) Shared living, provided the facility is located above the ground floor,~~
- (fff) Small upholstery shops, exclusive of refinishing and other furniture repair or manufacturing,
- (mmgg) 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,
- (nnhh) Taverns,
- (eeii) Theater, including movie and live,
- (ppii) Those portions of grocery stores devoted to the sale of alcoholic beverages,

- (~~qq~~kk) Upholstery shop, exclusive of refinishing and other furniture repair or manufacturing,
- (~~rr~~ll) Used household articles and clothing stores,
- (~~ss~~mm) 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~~nn) Work/live studios subject to the requirements of Section 30-15, Work/Live Studios,
- (~~uu~~) ~~Yoga studios located on the ground floor,~~
- (~~vv~~oo) Commercial recreationParking located below grade or within twenty (20') feet of a public street frontage if above grade.

2. Other uses which the Planning Director finds similar to the above list and consistent with the purpose of the C-C Zoning District subject to use permit approval by the Planning Board, provided the following uses are expressly prohibited: check cashing business, gun and firearms sales when more than five (5%) percent of the floor area is devoted to this use, massage establishments except massage is allowed as a home occupation and accessory to health care uses and hairstyling, pawn shop, tobacco and tobacco products stores except the sale of tobacco and tobacco products is allowed as accessory to other permitted or conditionally permitted uses in the C-C District. The determination of similar use by the Planning Director shall be included on the agenda for the next available Planning Board meeting and confirmed by the Planning Board. Determinations of similar use are also subject to appeal pursuant to Section 30-25.

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

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

- e. *Design Review Required.* All new structures or buildings, or exterior revisions of any existing structures or buildings for both permitted and conditional uses shall require design review pursuant to Article II, Section 30-35.
- f. *Signs.* Signs are allowed as provided by Section 30-6, [Sign Regulations](#), of this article. A sign permit is required prior to placement of any signage on property in Alameda.
- g. *Development Regulations.*
  - 1. [Minimum](#) Lot Area and [Minimum](#) Lot Width: None.
  - 2. Building Height Limit: Building height shall be regulated as follows:
    - (a) [Park Street District](#)—Maximum height shall be ~~five (5) stories but not to exceed sixty (60') feet~~, [provided that any portion of a building over fifty \(50'\) feet shall be set back at least fifteen \(15'\) feet from the front property line for properties fronting on Park Street north of Encinal Avenue.](#) ~~Where any side or rear lot line abuts a residential district, the maximum height of the adjacent residential district shall apply within twenty (20') feet of the property line.~~ [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.](#)
    - (b) [Webster Street District](#)— Maximum height shall be ~~three (3) stories but not to exceed forty (40') feet throughout the C-C District.~~ [sixty \(60'\) feet, provided that any portion of a building over forty \(40'\) feet shall be set back at least fifteen \(15'\) feet from the front property line. Where any side or rear lot line abuts a residential district, the maximum height of the adjacent residential district shall apply within twenty \(20'\) feet of the property line.](#)
  - 3. Building Coverage: Buildings may cover one hundred (100%) percent of the building site, ~~provided the ratio of all floor space to lot size shall not exceed three (3) to one (1).~~
  - 4. [Maximum Residential Density: None](#)
  - 5. [Minimum Residential Density for new buildings: thirty \(30\) dwelling units per acre. Minimum residential density shall not apply to adaptive reuse of, or addition to, existing buildings to add one or more residential units.](#)
  - 46. Front Yard: ~~None.~~ [Buildings shall be located on the front property line. A minimum of eighty-five \(85%\) percent of the area between the side property](#)



lines must be occupied by building mass, plazas, or paseos along the primary street frontage.

57. Minimum Side Yard: ~~No yard, None;~~ however where any side lot line abuts a residential district there shall be a minimum side yard of five (5') feet.
68. Minimum Rear Yard: ~~None;~~ however, where the rear lot line abuts a residential district there shall be a minimum rear yard of five (5') feet.
79. 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.
810. ~~Off-Street Parking and Loading Space:~~ As regulated by Section 30-7, Off-Street Parking, Electric Vehicle Charging, and Transportation Demand Management Regulations ~~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.~~

#### **30-4.10 – C-M, Commercial-Manufacturing District.**

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

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

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**30-4.13 – PD, Planned Development Combining District.**

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**30-4.14 – A, Agricultural Combining District.**

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

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**30-4.16 – H, Special Height Combining District.**

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**30-4.17 – G, Special Government Combining District.**

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**30-4.18 – Y, Special Yard Combining District.**

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**30-4.19 – O, Open Space District.**

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

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**30-4.21 – E, Estuary District.**

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**30-4.22 – T, Theatre Combining District.**

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**30-4.23 - Multi-family Residential Combining Zone District.**

- a. *Purpose.* The Multi-family residential combining zone-district (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 the underlying zoning district and all other provisions of the Alameda Municipal Code. In the event of a conflict between the provisions of the MF Combining District and the provisions of the underlying district or the Alameda Municipal Code or 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) Dwellings, multifamily~~Multi-family~~;

~~(b) Town homes;~~

~~(c) Senior;~~

~~(d)~~ Transitional housing;

~~(e)~~ Supportive housing;

~~(f)~~ Shared living;

~~(g) Live/work;~~

(e) Residential care facilities.

~~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. Minimum Residential Density for new buildings shall be thirty (30) dwelling units per acre. Minimum residential density shall not apply to the adaptive reuse of, or addition to, existing buildings to add one or more residential units.~~
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. The maximum building height limit shall be sixty-five (65') feet, unless the underlying zoning district~~

provides a greater height limit, in which case the greater height limit in the underlying zoning district shall govern. Where any side or rear lot line abuts a residential district, the maximum height of the adjacent residential district shall apply within twenty (20') feet of the property line.

- 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 District 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 District 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.~~

### **30-4.24 - Alameda Point District.**

- 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 another part of the AMC, this section shall govern.
  - 2. *Waterfront Town Center Sub-district and Main Street Neighborhood Sub-district Specific PlansMaster 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. Development within the A-P Main Street Neighborhood shall be consistent with the Main Street Neighborhood Specific Plan. Development within the A-P-Waterfront Town Center sub district shall be consistent with the Town Center and Waterfront Precise Plan.

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 with 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.~~ Development in this district shall be consistent with the Town Center and Waterfront Precise Plan.
2. *Main Street Neighborhood (MS)*. This sub-district provides lands for a variety of housing types with complementary small-scale 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 areas, and site planning that complements the NAS Alameda Historic District Residential Subarea character-defining features. Use 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.~~ Development in this district shall be consistent with the Main Street Neighborhood Specific 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. Development in the Waterfront Town Center subdistrict shall be consistent with the development standards and guidelines of the Town Center and Waterfront Precise Plan.](#)

Development within the Main Street Neighborhood subdistrict shall be consistent with the development standards and guidelines of the Main Street Neighborhood Specific Plan.

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')~~ forty five (45') 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~~ are included in the ~~required~~ Waterfront Town Center and Main Street Neighborhood Specific Plans. ~~Master Plan.~~

**Table A—Building Type and Frontage Types<sup>(a)</sup>**

	E-1	E-2	E-3	E-4	AR	OS
<b>Building Type</b>						
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
<b>Frontage Type</b>						
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, [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. [Limitations that apply to specific land uses are indicated by letters in parentheses \(e.g., \(a\), \(b\), \(c\)\) and described below the tables.](#) 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.~~
- ~~23.~~ *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.
- ~~34.~~ *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.

45. *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.~~
56. *Multi-family ~~Housing~~ Dwellings, Adaptive Reuse Subdistrict.* ~~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 used~~dwellings may be conditionally approved ~~with a density bonus application and waiver~~ only in contributing structures Buildings 2, 4, and 17.
67. *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.
78. *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.
89. *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.
940. *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.
1041. *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, <del>(multifamily)</del>	—	—	C	—	C <del>(a)</del>	P	P <del>(d)</del>	1.5 <del>(a)</del>
Dwelling unit, <u>one-family and two-family</u> <del>(single family)</del>	—	—	C	—	—	—	P	<del>(d)</del>
<u>Accessory dwelling unit (b)</u>	<u>—</u>	<u>—</u>	<u>P</u>	<u>—</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Junior accessory dwelling unit (b)</u>	<u>—</u>	<u>—</u>	<u>P</u>	<u>—</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Shared living</u>	<u>—</u>	<u>—</u>	<u>C</u>	<u>—</u>	<u>C</u>	<u>P</u>	<u>P</u>	
<u>Supportive housing</u>	<u>—</u>	<u>—</u>	<u>C</u>	<u>—</u>	<u>C</u>	<u>P</u>	<u>P</u>	
<u>Transitional housing</u>	<u>—</u>	<u>—</u>	<u>C</u>	<u>—</u>	<u>C</u>	<u>P</u>	<u>P</u>	
<u>Residential care facilities</u>	<u>—</u>	<u>—</u>	<u>C</u>	<u>—</u>	<u>C</u>	<u>P</u>	<u>P</u>	
<u>Emergency shelters</u>	<u>C</u>	<u>C</u>	<u>—</u>	<u>—</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Low barrier navigation centers</u>	<u>—</u>	<u>—</u>	<u>P</u>	<u>—</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Warming centers (c)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Bed and breakfast <u>facility</u>	—	—	C	—	P	P	P	0.75 <del>(b)</del>
Hotels	—	P	—	—	P	C	C	0.75 <del>(b)</del>
Community garden	—	—	P	—	P	P	P	<del>(c)</del>
Parks/playgrounds/sports fields	C	C	C	—	P	P	P	<del>(c)</del>
Trailheads, trails, and comfort stations	P	P	P	P	P	P	P	<del>(c)</del>
Artist studio	C	C	C	—	P	P	P	0.30
Work/live <u>studio</u>	—	C	C	—	C	C	C	1.00 <del>(a)</del>

- (a) Conditionally permitted in Buildings 2, 4, and 17. ~~Spaces per unit.~~
- (b) Accessory dwelling units and junior accessory dwelling units are permitted if a primary dwelling exists on the lot and further regulated by Section 30-5.18, Accessory Dwelling Units. ~~Spaces per room.~~
- (c) Permitted if accessory to a permitted, primary use. ~~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 <sup>s</sup> , <u>business and professional</u>	P	P	P	C	P	P	P	<del>2.65</del>
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 <u>stores</u>	—	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 <sup>s</sup>	—	—	—	—	C	C	C	6.90
Banks <sub>1</sub> , <u>savings and loan and financial services</u>	C	C	C	C	P	P	—	2.65
Repair business (consumer products)	C	C	C	C	P	P	C	2.00
Personal <del>Services</del> <u>services</u>	C	C	C	C	—	P	C	2.00
Liquor store	—	—	—	—	—	C	—	2.00
Urban farm	C	C	C	—	C	C	P	(e)

### 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
<del>Clubs, halls, centers</del>	—	G	G	—	P	P	G	6.90
Conference center	—	C	—	—	P	P	P	6.90



Use	Sub-district							Parking
	E-1	E-2	E-3	E-4	AR	WTC	MS	Reserved
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	(e)
Multiple screen theatre	—	—	—	—	—	—	—	—
<u>Community Religious assembly</u>	—	C	<u>P-C</u>	—	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	(e)
Schools	—	—	C	—	P	C	P	(e)
<u>Emergency shelter</u>	<u>E</u>	<u>E</u>	—	—	<u>E</u>	<u>E</u>	<u>E</u>	(e)
<u>Child care Day care center</u>	C	C	C	—	P	P	P	1.25
Family day care, <u>large with 7 or more children</u>	—	—	<u>E</u> <u>P(d)</u>	—	<u>P(d)</u>	<u>P(d)</u>	<u>P(d)</u>	(e)
Family day care, <u>small with 6 or fewer</u>	—	—	<u>E</u> <u>P(d)</u>	<u>—E</u>	<u>P(d)</u>	<u>P(d)</u>	<u>P(d)</u>	(e)

(e) Same as dwelling unit.

(d) Permitted by right if accessory to a residential use.

### 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	(e)

Use	Sub-district							Parking
	E-1	E-2	E-3	E-4	AR	WTC	MS	Reserved
Car or bike sharing facility	P	P	P	P	P	P	P	(e)
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 arrangement such as shared 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.~~

### **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, [as well as residential uses on upper floors of mixed-use buildings](#). The sub-district regulations permit a range of site and building types for employment uses [and residential 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 Manufac- turing (MM-NP)	Workplac e ( <del>NP</del> -W- NP)	Mixed Use (MU- NP)	Residenti al (R-NP)
<b>Building Types</b> (see Design Review Manual for guidelines for building types)					
Commercial block	P	P	P	-	-
Workplace	P	P	P	-	-
Parking structure	P	P	-	-	-
Work-live	P	P	P	P	-
Stacked flat	-	-	-	P	-
Multiplex	-	-	-	P	-
Row house	-	-	-	P	P
Courtyard housing	-	-	-	P	P
Single-family detached	-	-	-	P	P
Adaptive reuse of existing buildings	P	P	P	P	P
<b>Frontage Types</b> (see Design Review Manual for guidelines for frontage types)					
Storefront	P	P	P	-	-
Formal entry	P	P	P	P	-
Forecourt	-	P	P	P	P
Stoop	-	-	-	P	P
Front yard	-	-	-	P	P
<b>Building width (max.) (ft)</b>	200 <del>ft.</del>	200 <del>ft.</del>	160 <del>ft.</del>	52 <del>ft.</del>	52 <del>ft.</del>
<b>Building Placement</b>					
Front setback (ft)	0 max.	0 min.	0 min.	10 min. - 30 max.	15 min. - 20 max.
Side street setback (ft)	0 – 15	0 – 20	0 – 20	10	10
Side setback (ft)	0	N/A	0	5	5
Rear setback (ft)	0	0	0	20	20
Alley setback (min.) (ft)	0	0 – 5	0	10	10

	Gateway (G-NP)	Maritime Manufac- turing (MM-NP)	Workplac e ( <del>NP</del> -W- NP)	Mixed Use (MU- NP)	Residenti al (R-NP)
Paseo Courtyard setback <a href="#">(ft)</a>	0	0	0	10	10
Building separation <a href="#">(ft)</a>	0	0	0	5	8
Main Building Height <a href="#">(ft)</a>	20 min. - 60 max.	50 max.	<del>60</del> 40 max.	<del>50</del> 35 max.	<del>40</del> 30 max.

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

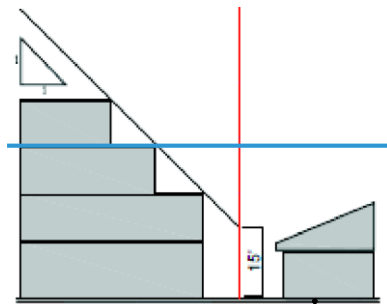
- a. Site Plans. Site plans shall encourage and support pedestrian, bicycle, and transit access by including facilities such as bicycle racks, pedestrian pathways through parking areas, pedestrian lighting, sidewalks, and street trees.
- b. Building Orientation. All new buildings shall be oriented toward 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. Building Height, Workplace Sub-district. In the Workplace sub-district, maximum building height is sixty (60') feet for properties located north of Clement Avenue; forty (40') feet for properties located south of Clement Avenue.~~
- 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. If any side or rear lot line abuts a property in a residential district, the height limit of the adjacent residential district shall apply within twenty (20') feet of such lot line.~~



~~(figure deleted)~~

- 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, Electric Vehicle Charging, and Transportation Demand Management Regulations. 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: None. ~~The maximum density for any residential development within the North Park Street District shall be one (1) housing unit per two thousand (2,000) square feet of land.~~
- viii. Residential Open Space Requirements. Usable open space consists ~~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-sixty (60) ~~40-sixty (60)~~ 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." [Limitations that apply to specific land uses are indicated by numbers in parentheses \(e.g., \(1\), \(2\), \(3\)\) and described in table footnotes.](#)

**Table B: Allowed Land Uses**

**Residential, Open Space, and Lodging**

Use	Gateway	Maritime Manufacturing	Workplace	Mixed Use	Residential
<a href="#">Dwelling unit upper floor</a>	<u>P</u>	-	<u>C</u>	<u>P</u>	<u>P</u>
<a href="#">Dwelling unit ground floor</a>	-	-	-	<u>P</u>	<u>P</u>
<a href="#">Dwelling, One-family or two family</a>	-	-	-	<u>P</u>	<u>P</u>
<a href="#">Multifamily dwelling</a>	<u>P(1)</u>	-	<u>P(1)</u>	<u>P</u>	<u>P</u>
Shared living	<u>P(1)</u>	-	<u>P(1)</u>	<u>P</u>	<u>P</u>
<a href="#">Supportive housing</a>	<u>P(1)</u>	-	<u>P(1)</u>	<u>P</u>	<u>P</u>
<a href="#">Transitional housing</a>	<u>P(1)</u>	-	<u>P(1)</u>	<u>P</u>	<u>P</u>
<a href="#">Accessory dwelling units</a>	<u>P(1)(2)</u>	-	<u>P(1)(2)</u>	<u>P(1)(2)</u>	<u>P(1)(2)</u>
<a href="#">Residential care facilities</a>	<u>P(1)</u>	-	<u>P(1)</u>	<u>P</u>	<u>P</u>
<a href="#">Low barrier navigation centers</a>	<u>P</u>	-	<u>P</u>	<u>P</u>	<u>P</u>

Use	Gateway	Maritime Manufac- turing	Workplac e	Mixed Use	Residenti al
<a href="#">Warming centers</a>	<a href="#">P(3)</a>	<a href="#">P(3)</a>	<a href="#">P(3)</a>	<a href="#">P(3)</a>	<a href="#">P(3)</a>
Bed and breakfast	-	-	C	P	C
Hotels	P	-	C	-	-
Community Garden	-	-	C	P	P
Parks/playground	-	-	-	P	P
<a href="#">Use limitations and notes:</a> <a href="#">(1) Permitted on upper floors of buildings that also contain nonresidential uses. The dwellings, living quarters, or sleeping rooms may not be located on the ground floor.</a> <a href="#">(2) Accessory dwelling units and junior accessory dwelling units, as regulated in Section 30-5.18, are permitted if a primary dwelling exists on the lot.</a> <a href="#">(3) Permitted if accessory to a permitted, primary use.</a>					

### Office and Work Live

Use	Gateway	Maritime Manu- facturing	Workplac e	Mixed Use	Residenti al
Office, business and professional	P upper/ C lower	P	P	P	-
Artist studio	P/C	C	P	P	
Artist studio industrial	C	P	C	-	-
Work/live	C	-	C	C	-

### Retail

Use	Gateway	Maritime Manu- facturing	Workplac e	Mixed Use	Residenti al
Large format retail	C	-	C	-	-

Use	Gateway	Maritime Manu- facturing	Workplac e	Mixed Use	Residenti al
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/farm ers market	C	-	C	-	-
Drive-up kiosk	-	-	C	-	-
Commercial recreation	C	-	C	-	-

### Institutional and Service

Use	Gateway	Maritime Manu- facturing	Workplac e	Mixed Use	Residenti al
Conference center	P	-	P	-	-
Library	C	-	P	C	C
Theater and entertainment	C	-	C	-	-
<a href="#">Religious-Community</a> assembly	-	-	-	C	C
Health clinic	C	-	C	C	-

Use	Gateway	Maritime Manu- facturing	Workplac e	Mixed Use	Residenti al
Veterinary clinic	C	C	P	C	-
Police/fire station	-	-	C	C	C
Funeral home	-	C	C	-	-
Mortuary	-	C	C	-	-
College	-	-	C	-	-
Schools	-	-	C	C	-
Day care center	-	-	C	C	C
Family day care, small	<a href="#">P (4)</a>	-	<a href="#">C-P (4)</a>	<a href="#">P (4)</a>	<a href="#">P (4)</a>
Family day care, large	<a href="#">-P (4)</a>		<a href="#">C-P (4)</a>	<a href="#">P (4)</a>	<a href="#">C-P (4)</a>
<a href="#">Use limitations and notes:</a> <a href="#">(4) Family day care homes are permitted by right if accessory to a residential use and are permitted within any dwelling type.</a>					

## Automotive

Use	Gateway	Maritime Manu- facturing	Workplac e	Mixed Use	Residenti al
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 Manu- facturing	Workplac e	Mixed Use	Residenti al
Maritime workplace	-	P	P	-	-
Marine fuel sales	-	C	-	-	-

Use	Gateway	Maritime Manu- facturing	Workplac e	Mixed Use	Residenti al
Boat and boat accessories sales, includes boat related accessories sales	-	P	P	-	-
Commercial marina	-	C	-	-	-
Dry boat storage	-	C	-	-	-

## Industrial

Use	Gateway	Maritime Manu- facturing	Workplac e	Mixed Use	Residenti al
Industrial, heavy	-	C	-	-	-
Industrial, light	C	P	P	-	-
Utilities, large	-	P	C	-	-
Utilities, small	P	P	P	P	P
Outdoor storage	-	C	C	-	-

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



- iv. Accessory uses customarily incidental to any of the above permitted uses when on the same lot are permitted. Accessory uses customarily incidental to any of the above conditional uses when located on the same lot are conditionally permitted with the granting of a use permit pursuant to AMC, Section 30-21.3 or 30-21.4. ~~Accessory dwelling units and junior accessory dwelling units, as regulated in Section 30-5.18, shall be permitted when a primary dwelling exists on the lot.~~

~~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.~~

#### **30-4.26 - Community Mixed Use Combining District.**

- a. Purpose. The Community Mixed Use Combining District (CMU Combining District) is intended to facilitate and support the construction of multifamily housing and mixed use development on sites that already provide community serving commercial services including a grocery store to accommodate Alameda's regional housing need as required by California Government Code sections 65580 and 65583.
- b. Applicability. The development and use of land within the CMU Combining District shall comply with the provisions of the CMU Combining District, the provisions of the underlying zoning district, and all other provisions of the Alameda Municipal Code. In the event of a conflict between the provisions of the CMU Combining District and the provisions of the underlying district or the Alameda Municipal Code or Alameda City Charter Article 26, the provisions of the CMU Combining District shall govern.
- c. Mixed Use Required. To be eligible for residential development consistent with the provisions of 30-4.26 e., g., h., i., and j., the subdistrict must provide a minimum amount of non-residential commercial retail or service floor area inclusive of a grocery store of at least 20,000 square feet in size in mixed use buildings or free standing commercial buildings. The minimum amount of non-residential commercial floor area required shall be determined by the total acreage of the subdistrict and a ratio of at least 9,000 square feet per acre in each sub-district resulting in a requirement of: 477,000 square feet for the 53 acre South shore subdistrict, 90,000 square feet for the 10 acre Bay Farm subdistrict, 117,000 square feet for the 13 acre Marina Village subdistrict, and the 216,000 square feet for the 24 acre Alameda Landing subdistrict.
- d. Commercial Ground Floor Required. Residential buildings fronting onto Park Street, Shoreline Drive, 5th Street, Wilver "Willy" Stargell Avenue, Island Drive, McCartney Road, and Marina Village Parkway shall provide ground-floor commercial space for

retail and service uses of at least thirty (30') feet in depth fronting onto the public right-of-way.

e. *Residential Uses Permitted.* Provided that the properties within the subdistrict meet the commercial floor area and frontage requirements of sub-section d., residential uses, including multifamily dwellings, shared living, transitional and supportive housing, residential care facilities and low barrier navigation centers shall be permitted by right in the subdistrict without a conditional use permit or other discretionary review other than design review.

f. *Maximum Residential Density.* None.

g. *Minimum Permitted Residential Densities.* The minimum density shall be thirty (30) dwelling units per acre. Addition of dwelling units to an existing building within the original building envelope shall be exempt from residential density standards. For the purposes of this section, residential density shall be calculated by dividing the size of the existing or proposed parcel by the number of dwelling units in the proposed building. The review of development proposals that include residential development consistent with the CMU Combining District provisions shall be limited to findings for approval contained in Section 30-37.5, Design Review, if the development is subject to Design Review and shall be exempt from any applicable requirements for development plan approval required by Section 30-4.13. Findings for approval, conditional approval or denial of a residential use shall be consistent with Government Code Section 65589.5.

h. *Building Height Limit.* The building height limit shall be sixty-five (65') feet, unless the underlying zoning district provides a greater height limit, in which case the greater height limit in the underlying zoning district shall govern.

i. *Building Orientation.* Buildings adjacent to the publicly owned right-of-way shall be oriented toward the public right-of-way, with at least one main entry facing the public right-of-way.

j. *Submittal Requirements.* Applications shall include a development plan pursuant to Section Section 30-37.3.

Section 5. Section 30-5 General Provisions and Exceptions of the Alameda Municipal Code is hereby amended as follows:

### **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.

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### **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.

### **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.

### **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.

### **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.

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### 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.~~
- bd. 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:

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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.
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### **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.

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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") inches in height, and all roof decks may be required as a condition of Design Review approval to provide privacy screening barriers, and/or landscaping of sufficient height deemed sufficient to provide adequate screening, to mitigate potential privacy impacts. At no time, however, shall the top elevation of any railing or privacy screen for such decks exceed the building height limit 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 ( $\frac{1}{2}$ ) of the linear wall or roof surface to which they are affixed.
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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 ( $\frac{1}{2}$ ) 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~~ six hundred square feet or sixty (60%) 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')

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- 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 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.
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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, Mechanical Equipment, and Outdoor Living Elements.*
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.
  3. Outdoor living elements such as barbeque grills, outdoor kitchens, chimneys, fire pits and similar features which are determined by the Building Official to be constructed and/or permanently located "in-ground" may be located within a minimum required rear or side yard, provided that a minimum five (5') foot setback is maintained from 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~~ 30-7.8.
- j. *Structures for Disabled Access.* Uncovered wheelchair ramps or other structures providing disabled access may encroach into any required front, side, street 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
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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.

### **30-5.8 - Height Exceptions.**

Towers, spires, chimneys, machinery, penthouses, scenery lofts, cupolas, radio aerials, 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

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(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.

### **30-5.9 - ~~Blast and/or Fall-Out Shelter Exceptions~~Reserved.**

~~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.~~

### **30-5.10 - ~~Corner Lots~~Transit Oriented Housing Waivers.**

To support and encourage construction of small, transit-oriented, affordable dwelling units in residential districts, a proposed housing development in the R-1 through R-6 districts that are within one quarter (1/4) mile of a high quality transit corridor in which all the new dwelling units are 1,200 square feet or less in size shall be exempt from the maximum residential density limitations of the applicable zoning district, any minimum on-site open space standards of the applicable zoning district, and any height limitation less than forty (40') feet shall be allowed a height of forty (40') feet. For the purposes of this subsection, the one-quarter-mile distance shall be measured in a straight line from the closest point on the subject property to the closest point on the high quality transit corridor right-of-way center line. Deed-restricted affordable units shall be exempt from the unit size limitation.

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

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### 30-5.11 - ~~Cul-De-Sac Lots.~~Adaptive Reuse Residential Density Waiver.

To support and encourage construction of new housing units within existing buildings, addition of one or more dwelling units within an existing building located in a zoning district that permits residential uses shall be exempt from any applicable residential density standards. The exemption shall not apply if the proposal includes modifications to the exterior of the building that are not exempt from Design Review pursuant to Section 30-37 2.b Exempt Improvements. Within the R-1 through R-6 Districts, the exemption is limited to four additional units. Proposals to add more than four units to an existing residential structure in the R-1 through R-6 District shall require a conditional use permit, unless the additional units meet the requirements of Section 30-5.18. c.1. (b).

~~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.~~

### 30-5.12 - Definition of Required Open Space.

Usable open space ~~is comprised~~ consists of private open space and common open space. Usable open space is that area of a ~~building site subject property~~ 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 ~~in this Article 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.~~ Common open space consisting of a pPorch, 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:



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~~b.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 (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.~~

~~c.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 (2/3) of its perimeter except for screen fencing not more than six (6') feet high if not in the front yard.~~

~~d.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 (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.~~

The Planning Board may consider provision of off-site open space in lieu of on-site 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.

### **30-5.13 - ~~Multiple Houses.~~ Reserved.**

~~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~~

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~~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.~~

### **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.



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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.
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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.

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- h. *Non-Residential Fences.* On non-residentially developed or zoned properties, any permanent or temporary barrier which is visible from a public right-of-way or public access easement, shall require an administrative use permit pursuant to section 30-21.4 unless such barrier is included as part of a use permit governing the greater use of the property, a development plan approved pursuant to a planned development zoning, or a design review approval or unless the fence is required to address 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.

#### **30-5.15 - Reserved.**

#### **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.

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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 façades in which glass constitutes fifty (50%) percent or more of the area of an individual facade. The bird-safe glazing requirement must be met on any window or unbroken glazed segment with an area of twelve (12) square feet or more located on such façade.
    - (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) *Historical Structures.* The replacement of existing glass on historical structures. However, the standards shall apply to new exterior additions to historical structures, and new construction on the site of historical structures, that are differentiated from the historical 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.
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- (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.
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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.
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- (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.
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- (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.
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- (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 30-7.8\(e\)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.
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- (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.

### **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

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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 for 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 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.*

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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~~
    - ~~(dg)~~ 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
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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.

### 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.* 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. Accessory dwelling units shall not be considered primary units and shall be exempt from any residential density standard established by the subject zoning district.
- 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 and Type 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.

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- (b) Multi-family lots. On lots with existing ~~multiple-family~~multifamily dwellings (two (2) or more units), any number of accessory dwelling units are permitted within portions of an existing main building, as long as each unit complies with state building standards for dwellings. In addition to the attached units allowed by subsection (1), two (2) accessory dwelling units detached from the primary dwelling(s) are permitted on a multi-family lot. The two (2) detached accessory dwelling units may be constructed to be attached to each other. 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 an~~ 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. Eighteen (18') feet. An additional two (2) feet in height shall be~~
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permitted, raising the maximum height limit to twenty (20) feet, when the roof pitch on the accessory dwelling unit matches the roof pitch of the primary dwelling unit.

(1) 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')~~eighteen (18') feet by the minimum amount necessary, as determined by the Building Official and City Engineer, to allow:

(1)i. A finished floor of the habitable space at one (1') foot above the Base Flood Elevation shown on the FIRM; and

(2)ii. Up to eight (8') feet in vertical clearance from the finished floor to ceiling within the habitable space; and

(3)iii. A roof ~~form or~~ pitch that matches the roof pitch of the primary dwelling unit~~conforms to the Design Standards in subsection c.5.~~

(b) *Required Setbacks from Side and Rear Property Lines:*

(1) No setbacks shall be required for an existing ~~living area or~~ accessory structure or a new structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit. For purposes of this subsection, dimensions shall mean the exterior width, length, and height of the existing accessory structure up to eighteen (18') feet.

(2) 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~~

(3) Notwithstanding subsection (2) above, the side and rear yard setbacks may be reduced to zero (0') feet if all of the following conditions are met:

(1)i. The detached ADU is located seventy-five (75') feet or more from the front property line and, if applicable, five (5') feet from the street side of a corner lot;

(2)ii. The portion of the neighboring lot(s) that adjoin the detached ADU is ~~also the required rear yard~~ not within seventy-five (75') feet of the neighboring lots' front property line(s);

(3)iii. 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)iv. Notwithstanding subsection (a), ~~The~~ detached ADU is not more than sixteen (16') feet in height; ~~and~~



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v. The detached ADU will not cover more than sixty (60%) percent of the minimum required rear yard as prescribed by the subject zoning district, with a minimum allowed coverage area of six hundred (600) square feet. 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.

~~(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.~~

(cd) *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.

(de) *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 up to sixteen (16')eighteen (18') feet in height with four (4') foot side and rear yard setbacks to be constructed in compliance with all other development standards.

(ef) *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 incorporatematch

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the same materials, colors and style as the exterior of the primary dwelling, including roof form, materials and pitch, eaves, trim, and windows, accents, distinctive features, and character defining elements. Creation of the accessory dwelling unit shall not involve any changes to existing street-facing walls facades or raise the height of ~~or to~~ existing floor(s) and roof elevations. Entrances to the accessory dwelling unit shall not be located on a street-facing façade. The construction of the accessory dwelling unit shall not obscure, damage, destroy or remove any original architectural details or materials of an existing main building, except as necessary to construct and integrate the accessory dwelling unit.

- (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.~~ The design of a detached accessory dwelling unit located within fifty (50') feet of an adjacent street frontage shall incorporate the exterior features of the primary dwelling, including siding, roof form, eaves, and window type, trim and orientation. 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) *Converted Accessory Buildings and Garages:* Existing accessory buildings such as detached garages that are converted to accessory dwelling units shall replace garage doors with the same exterior wall material, building color, and window trim as the existing building or the primary dwelling structure if the accessory dwelling unit is being created in a garage attached to the primary dwelling. ~~*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:
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- (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. [The driveway and curb cut may remain for off-street parking provided the length of such driveway is at least eighteen \(18'\)](#)
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feet, measured from the property line, in order to accommodate a parked vehicle without any portion of the vehicle encroaching into the public right-of-way. Remaining driveways that do not meet the minimum eighteen (18') foot length shall be abandoned per Section 22-18.3 as part of the construction of the accessory dwelling unit.

- e. *Rental and Sale Limitations.* The accessory dwelling unit shall not be sold or otherwise conveyed separately from the primary dwelling except as allowed pursuant to Government Code Section 65852.26, 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, except that no public notice or discretionary review shall be required for the demolition of a detached garage or accessory structure that is to be replaced with an accessory dwelling unit, unless the property is located within a historic district.
- j. Accessory dwelling units shall be exempt from the Improvement Tax provisions in AMC Section 3-62, Improvement Tax.

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Section 6. Section 30-37 Design Review Regulations of the Alameda Municipal Code is hereby amended as follows:

### **30-37 - DESIGN REVIEW REGULATIONS.**

#### **30-37.1 – Definitions**

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#### **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 hundred (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;

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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 historical 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, [Accessory Dwelling Units](#);
  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;
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- B. Is made of materials that outwardly have the same dimensions, proportions, details, and textures of the original architectural style of the structure and that outwardly appear unchanged from the original architectural style. If the original design of a structure and/or element is removed or altered or if the original design elements are not known, the improvement shall be consistent with the treatment of substantially altered buildings as set forth in the City of Alameda Design Review Manual.

19. The following types of projects when in compliance with the objective zoning standards of the Alameda Municipal Code and the adopted Objective Design Review Standards:

- A. Multifamily housing developments and mixed-use developments that meet the eligibility criteria for the Streamlined Ministerial Approval Process provided by Government Code Section 65913.4.
- B. One- and two-family dwellings proposed in the R-1 District in compliance with Government Code Section 65852.21, and as adopted by local ordinance.
- C. Transitional and supportive housing developments.
- D. Low barrier navigation centers, as defined by Government Code Section 65660.
- E. Any other project for which State law limits local jurisdictions' review of design to compliance with objective standards.

**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.

**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.

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

Design Review approval shall expire ~~threetwo~~ (32) years from the initial date of approval unless substantial construction has commenced under valid permits. Design Review approval may be extended by the Community Development Planning Director upon application for up to two (2) additional years from the date of expiration.

Section 7. Article III Multiple Dwelling Units of the Alameda Municipal Code is hereby amended as follows:

## **ARTICLE III. - ~~MULTIPLE DWELLING UNITS~~RESERVED**

### **~~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.~~

### **~~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.~~

### **~~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~~

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~~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.~~

### **~~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.~~

### **~~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.~~

### **~~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.~~

### **~~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.~~

#### **~~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.~~

#### **~~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.~~

### **~~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.~~

#### **~~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.~~

#### **~~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.~~

#### **~~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.~~

Section 8. The Citywide Zoning Map shall be amended to change the zoning designations as follows:

### **Zoning Map Amendments**

#### **Alameda Landing Shopping Center**

Location: Fifth Street, Willie Stargell Avenue, Mariner Square Drive, and Mitchell Avenue

Zoning Map Amendment: Add CMU, Community Mixed Use Combining District designation to lands outlined in black line.

APNs: 74-1366-3, 74-1366-2-2, 74-1366-2-1, 74-905-30, 74-905-31

Approximate Acreage: 23.72



#### **Harbor Bay Shopping Center**

Location: Island Drive and McCartney Road

Zoning Map Amendment: Add CMU, Community Mixed Use Combining District designation to lands outlined in black.

APN: 74-1045-10-2, 74-1045-10-1

Approximate Acreage: 9.59



#### **South Shore Shopping Center**

Location: Shore Line Drive, Otis Drive, Park Street

Zoning Map Amendment: Add CMU, Community Mixed Use Combining District designation to lands outlined in black line.

APN'S: 74-1200-29-5, 74-1200-2-27, 74-1200-2-22, 74-1200-2-18, 74-1200-29-4, 74-1200-28, 74-1200-2-19, 74-1200-2-20, 74-1200-2-3, 74-1200-2-17, 74-1200-2-25, 74-1200-2-15, 74-1200-2-16, 74-1200-32, 74-1200-31, 74-1200-27, 74-1200-2-9, 74-1200-25, 74-1200-29-2

Approximate Acreage: 53.23



**Marina Village Shopping Center**

Location: Marina Village Parkway

Zoning Map Amendment: Add CMU, Community Mixed Use Combining District designation to lands outlined in black line.  
APN'S: 74-1334-32-1, 74-1334-33-5, 74-1334-34-5, 74-1334-35-5, 74-1334-36-4,  
74-1334-37-1, 74-1334-38, 74-1334-48, 74-1334-49  
Approximate Acreage: 13.09

**2363-2433 Mariner Square Drive**

Zoning Map Amendment: Add MF, Multifamily Residential Combining District designation to lands outlined in black line.

APN'S: 74-1315-1, 74-1315-5, 74-1315-6, 74-1315-7  
Approximate Acreage: 2.39

**Webster Street Plaza**

Location: Webster Street, Atlantic Avenue

Zoning Map Amendment: Rezone lands outlined in black line from Manufacturing M-2 to CC Community Commercial.

APN'S: 73-426-26, 73-426-27, 73-426-28, 73-426-25  
Approximate Acreage: 2.27

**2199 Clement Avenue**

Zoning Map Amendment: Add MF, Multifamily Residential Combining District designation to lands outlined in black line.

APN 71-289-6-1  
Approximate Acreage 4.7-acre



Section 9. Severability. If any provision of this Ordinance is held by a court of competent jurisdiction to be invalid, this invalidity shall not affect other provisions of this Ordinance that can be given effect without the invalid provision and therefore the provisions of this Ordinance are severable. The City Council declares that it would have enacted each section, subsection, paragraph, subparagraph and sentence notwithstanding the invalidity of any other section, subsection, paragraph, subparagraph or sentence.

Section 10. Implied Repeal. Any provision of the Alameda Municipal Code inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to effect the provisions of this Ordinance.

Section 11. Effective Date. This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Section 12. Authority. This Ordinance is enacted pursuant to the City of Alameda's general police powers, Section 1-2 of the Charter of the City of Alameda, and Article XI of the California Constitution.

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Presiding Officer of the City Council

Attest:

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Lara Weisiger, City Clerk

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda at a regular meeting assembled on this 15th day of November 2022 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this \_\_\_\_ day of \_\_\_\_\_ 2022.

Lara Weisiger, City Clerk  
City of Alameda

APPROVED AS TO FORM:

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Yibin Shen, City Attorney  
City of Alameda