

ITEM 7-B

CITY OF ALAMEDA

Memorandum

To: Honorable President and
Members of the Planning Board

From: Allen Tai, AICP
Planning Services Manager

Date: July 27, 2015

Re: **Proposed Text Amendments to the City of Alameda Zoning Ordinance (AMC Chapter 30) regarding permit streamlining for residential property improvements and other miscellaneous administrative, technical, and clarifying amendments.** Public hearing to consider zoning text amendments that would streamline permitting for residential property improvements and other minor administrative, technical and clarifying amendments to improve usability of the zoning regulations. The proposed amendments are categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15305, Minor Alterations to Land Use Limitations.

BACKGROUND

The City of Alameda Zoning Ordinance establishes regulations and development standards for the use of land. The purpose of these regulations is to protect public health, safety, and general welfare and ensure that public and private actions related to the use and development of land in Alameda is consistent with community expectations and priorities as articulated in the General Plan.

A. The Design Review Process

Alameda's Design Review process augments the zoning regulations to ensure that new construction is compatible and harmonious with the character of existing neighborhoods. Design Review is required for most improvements on the exterior of a building, and obtaining Design Review approval is a prerequisite for building permits in order to start construction. For most homeowners, preparing a Design Review application requires hiring an architect to prepare plans to demonstrate compliance with zoning regulations and the City's design guidelines. Once an application is submitted, staff reviews and comments on the project plans in accordance with City standards. Revisions to plans are often necessary to fully comply with zoning regulations and design guidelines. A public notice is subsequently generated by the City to neighbors within 100 feet, which is also posted on the property announcing to the neighborhood the start of a 10-day period for public comment. After the public comment period, staff prepares written findings and issues a written decision with permit conditions. The decision date also starts another 10-day period where any member of the public may

file an appeal of the staff decision. Appeals of staff decisions are heard by the Planning Board, and the Planning Board decision is ultimately appealable to the City Council. A typical Design Review process will take anywhere from 30 to 45 days from application filing to approval, but applications generating significant public input could take many months to reach a decision, especially if they involve appeal hearings.

To homeowners unfamiliar with the permitting process, Design Review can be difficult and frustrating, especially when it is required for minor improvements. Homeowners also pay application fees ranging from \$500 for simple exterior modifications, such as opening walls for new windows, to over \$1,500 for large additions. These fees are necessary to cover City costs to process a Design Review application; the City does not profit from permit fees. Nonetheless, the required time, cost, and uncertainties of the public process are elements that can make the process stressful for applicants.

B. City Efforts to Improve the Permitting Process

The City's Permit Center serves over 14,000 customers annually. The current staff of four Planners reviews and processes nearly 1,000 Planning permit applications per year. It is incumbent upon the City to continually improve the overall permitting experience by streamlining requirements, clarifying rules and regulations, and eliminating redundant processes. Over the last five years, staff-initiated amendments to the zoning ordinance sought to align development regulations with policy direction taken from the deliberation of development proposals by the City Council and Planning Board. These amendments also removed inconsistencies between established regulations and current community expectations for development in Alameda.

The subject zoning text amendments (Exhibit 1) are the first of a series of amendments intended to streamline Planning review to reduce processing time and cost for homeowners. The proposed amendments also simplify regulations and memorialize existing interpretations and practices. Staff plans to bring forward additional text amendments for Planning Board and Council consideration this fall. The Planning Board's responsibility is to hold a public hearing and make a recommendation on the draft ordinance to the City Council. After taking public comment, the Planning Board may recommend approval of all, some, or none of the proposed amendments to the City Council.

ANALYSIS

A. Proposed Residential Permit Streamlining Amendments

1. Chimney Alterations related to Seismic Safety.

A common permit request from Alameda homeowners involves alterations to masonry chimneys. Under existing rules, alterations to chimneys other than those located on the back of the first story of a building are subject to Design Review. Homeowners are usually undertaking the cost and effort to alter a chimney due to seismic safety

concerns. The alteration to the chimney often involves removal of the portion of a chimney above the roofline and capping the remaining chimney at the top. Staff recommends exempting such chimney alterations when a licensed contractor or engineer report demonstrates the need to make improvements for seismic safety purposes. Where the chimney is a character-defining feature on a historic property on the Historical Buildings Study List, Design Review would still be required to ensure alternative remedies are fully explored, including but not limited to reconstruction in-kind, to avoid materially altering the historic character of the building.

Specifically, staff is recommending the following text be added to the list of Design Review exemptions in Section 30-37.2.b.:

“Alterations to chimneys for seismic safety purposes as determined by a licensed contractor or engineer, provided the chimney is not a character-defining feature on properties listed on the Historical Buildings Study List.”

2. Improvements to Existing Single Family Homes at Harbor Bay Isle.

This amendment would streamline the permitting process for homeowners residing within the Harbor Bay Isle planned community by exempting improvements to these residential properties from the City’s Design Review process. “Improvement” is defined in the ordinance as “construction of a structure, an addition, or alteration to the exterior of a structure affixed to real property, which requires a building permit.” The Harbor Bay Isle planned community has extensive architectural design standards enforced under the community’s own covenants that prevent egregious alterations that could significantly affect the existing neighborhood character. In some cases, these architectural standards are more restrictive than the City’s design guidelines. Residential home improvements are also required to pass an architectural review process through the homeowners association prior to filing permit applications with the City.

Given the establishment of strict architectural standards and a robust internal review process safeguarded by Planned Development regulations and private covenants within the homeowners association, staff believes it is redundant to require additional Design Review for home improvements at Harbor Bay Isle. Therefore, staff recommends exempting all home improvements at Harbor Bay Isle from Design Review, which would save approximately 3,000 homeowners at Harbor Bay Isle significant time and money. Improvements exempted from Design Review must still comply with all City requirements.

Specifically, staff is recommending the following text be added to the list of Design Review exemptions in Section 30-37.2.b.:

“Improvements to existing single-family dwellings located within the Harbor Bay Isle Planned Development community that have been approved by the Community of

Harbor Bay Isle Homeowners Association and determined to be consistent with the applicable Harbor Bay Development Plan.”

3. Front Yard Fences Above Four Feet Tall, Arbors, and Decorative Fence Posts.

Staff recommends simplifying the requirements pertaining to fences and associated structures (referred to as “Barriers” in the ordinance). Fences are currently limited to a maximum height of five feet in the front yard and eight feet in the side and rear yards. Fences do not require Design Review and they do not require building permits unless they exceed seven feet in height. However, a legacy provision in the fence regulations requires Planning Director approval for fences above four feet tall in front yard, arbors, and decorative fence posts. To simplify the requirements, staff recommends deleting the requirement for Planning Director approval and specifying a maximum height limit of ten (10) feet for arbors and decorative fence posts in setback areas.

Specifically, staff is recommending the following revisions be made to the fence regulations in Section 30-5.14.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~~ five (5') 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.

43. Barriers located ~~within a permitted building envelope outside of required setbacks~~ may be extended up to the allowed building height in that zone as permitted by this chapter.

54. Arbors and decorative fence posts located within a required setback shall not exceed ten (10') in height. ~~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.~~”

B. Administrative, Technical, and Clarifying Amendments

The following text amendments consist primarily of administrative cleanups and an attempt to clarify existing City interpretations and practices. These amendments do not change the existing interpretations and practices and are intended only to make the code provisions clearer and more user-friendly.

4. Updating the Table of Zoning Designations.

Staff recommends updating the Table of Zoning Designations to include the Alameda Point sub-districts that were inadvertently omitted during the adoption of the Alameda

Point master plan and rezoning. This update also includes minor formatting corrections to other zoning designations to ensure consistency throughout the ordinance.

5. Definition of Floor Area for Determining Required Off-Street Parking.

The parking requirement for single family homes is currently two spaces for homes under 3,000 square feet in size and three spaces for homes 3,000 square feet and larger. When a home that does not provide the required number of parking spaces is expanded, one additional parking space must be created on the property for every 750 square feet of floor area added until the parking requirement is met.

Expansions commonly take place in the form of constructing an addition, but it can also occur through the conversion of existing basement or attic space. When the conversion of the basement or attic into living space occurs, a question often arises on whether the existing basement or attic is counted as new floor area or credited as existing floor area. In practice, staff has counted basement and attic areas as existing floor area only when the space meets the minimum legal ceiling height of seven feet per the building code. For instance, a basement with a legal ceiling height would be considered existing usable floor area, regardless of how that space is currently used. Conversely, a basement crawl space with less than the minimum ceiling height which must be excavated in order to accommodate usable space will be considered new floor area. Generally speaking, when physical alteration is necessary to achieve the legal ceiling height, then that area will be counted as new floor area for purposes of determining off-street parking.

Specifically, staff recommends the following revisions be made to the floor area definition in Section 30-7.5.a:

“Floor Area. The total area of all the floors measured from the exterior faces of the building, including hallways, interior and exterior stairways, storage rooms, etc., but excluding any basement or attic area with ceiling heights of less than seven (7’) feet. Unless otherwise specified by this section, unroofed storage and/or sales areas for non-residential uses shall for the purposes of calculating parking requirements be converted to floor area at a ratio of five (5) square feet of unenclosed area to one (1) square foot of floor area. Roofed storage and/or sales areas shall be treated as buildings for the purpose of calculating floor area.”

6. Parking Spaces in Existing Residential Driveways.

When additional off-street parking is triggered by the expansion of a residence, the ordinance allows homeowners to count the driveway as off-street parking spaces. The code currently allows tandem parking for a single unit (Section 30-7.9.d.), but it also requires up to three parking spaces for houses over 3,000 square feet in size. Staff proposes an amendment that clarifies up to three parking spaces would be permitted in tandem serving a single dwelling unit.

Specifically, staff recommends the following text revisions be made to Section 30-7.2 Accessory Parking Spaces Required:

“Dwelling Unit Additions—Notwithstanding the requirements of subsection 30-20.4(a), when a dwelling unit is enlarged on a property that is not in compliance with the minimum required parking, an additional parking space shall be added for each 750 square feet of added floor area until compliance is achieved. An existing driveway may be considered as up to three parking spaces(s) in tandem serving a single dwelling unit if the proposed space(s) conform to the requirements of subsections 30-7.8, and 30-7.9. Conformance with subsection 30-7.10.a is not required.”

7. Perimeter Landscape Requirements for Residential Parking.

Unenclosed parking spaces located along property boundaries, adjacent to buildings and other structures are currently required to provide a three-foot landscaped buffer. Driveways are also required to maintain a one-foot landscaped separation between adjacent structures. Section 30-7.18 recognizes the use and extension of driveways not conforming to this landscaping requirement whenever an addition to a single-family home or the addition of the dwelling unit occurs. Staff recommends clarifying this provision to also allow increasing the number of parking spaces on single family residential properties without the required three-foot landscaped buffer.

Specifically, staff is recommending the following revisions be made to the Use and Extension of Non-Conforming Driveways and Perimeter Landscaping regulations in Section 30-7.18.:

“Existing residential driveways that are non-conforming to the minimum widths prescribed by subsection 30-7.9.f.1., and/or the minimum perimeter landscaping for unenclosed parking spaces, backup areas, and driveways prescribed by subsection 30-10.a.3., may remain and may be extended with the existing non-conforming dimensions at such time the property is further improved with small scale development, which includes but is not limited to additions to existing single family uses or the construction of an additional dwelling to existing single family uses, subject to the approval of the Community Development ~~Planning & Building~~ and Public Works Directors.

8. Vesting of Design Review Approvals.

Current code specifies that Design Review approvals shall expire in two years unless “construction has commenced under valid permits.” What constitutes “construction has commenced” has been the subject of much debate. Staff recommends amending the language to allow vesting only when the project successfully passes the first construction inspection.

Specifically, staff recommends the following revisions be made to the Expiration and Extension provisions for Design Review in Section 30-37.6:

“Design Review approval shall expire two (2) years from the initial date of approval unless construction has commenced under valid permits and approval of the first construction inspection by the City. Design Review approval may be extended upon application for up to two (2) additional years from the date of expiration.”

ENVIRONMENTAL REVIEW

The proposed zoning code amendments are categorically exempt under California Environmental Quality Act Section 15305 – Minor Amendments to Land Use Limitations.

PUBLIC NOTICE AND COMMENTS

Because these Zoning Code amendments are citywide in nature, the public hearing was advertised in the newspaper and posted on the City website. The proposed amendment involving the Design Review exemption of Harbor Bay Isle was coordinated with the Community of Harbor Bay Isle Homeowners Association.

RECOMMENDATION

Hold a public hearing and recommend by motion that the City Council adopt the Draft Ordinance amending Chapter 30 of the Alameda Municipal Code (Exhibit 1).

Respectfully submitted,

Allen Tai
Planning Services Manager

Exhibit:
1. Draft Ordinance

ITEM 7-D

CITY OF ALAMEDA

Memorandum

To: Honorable President and
Members of the Planning Board

From: Allen Tai, AICP
Planning Services Manager

Date: November 23, 2015

Re: **Proposed Text Amendments to the City of Alameda Zoning Ordinance (AMC Chapter 30) regarding permit streamlining for residential property improvements and other miscellaneous administrative, technical, and clarifying amendments.** Public hearing to consider zoning text amendments that would streamline permitting for residential property improvements and other minor administrative, technical and clarifying amendments to improve usability of the zoning regulations. The proposed amendments are categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15305, Minor Alterations to Land Use Limitations.

BACKGROUND

On July 27, 2015, the Planning Board approved staff-recommended zoning text amendments to streamline regulations and permitting for existing Alameda homes. The amendments are intended to simplify regulations and memorialize existing interpretations and practices. The approved amendments include:

1. Design Review exemption for rooftop chimney safety work.
2. Clarifying the definition of Floor Area used to determine required parking.
3. Allowing extension of driveways and parking with nonconforming landscaping.
4. Clarifying the vesting process for Design Review approvals.
5. Administrative corrections to the Table of Zoning Designations.

This report presents a second series of text amendments. The proposed amendments follow the same objective to streamline Planning review in order to save time and money for homeowners on routine or small improvements. Staff is requesting Planning Board consideration of these amendments, after which they will be presented as a single package to the City Council for approval. The Planning Board's responsibility is to hold a public hearing and make a recommendation on the draft ordinance to the City Council. After taking public comment, the Planning Board may recommend approval of all, some, or none of the proposed amendments to the City Council.

ANALYSIS

This second round of proposed text amendments includes:

1. Revisions to Second Unit Ordinance and Accessory Building regulations.
2. New Design Review exemption for Windows and Patio Doors.
3. Resolving conflicting rules for Home Occupation signs.

1. Second Unit Ordinance and Accessory Building regulations.

Facilitating second units is an effective way to help address Alameda's need for senior housing and affordable housing units for small households. However, Alameda's current Second Unit Ordinance has facilitated less than one unit per year since its adoption in 2003.

On September 28, 2015, staff presented proposed amendments to the Second Unit Ordinance to lower the eligibility requirements to encourage more second units. Part of the revisions to the ordinance include aligning it with the accessory building regulations and to add the ability for accessory buildings to be converted into second units. Specifically, the revisions to the ordinance would do the following:

- Clarify that second units are permitted in all residential zoning districts on properties with a single family home.
- Reduce the minimum lot size requirement from 7,500 square feet to 4,000 square feet in size.
- Clarify that the second unit and the single family home must provide a minimum of two independently accessible parking spaces.
- Eliminate existing conflicts between the provisions for detached second units and the existing provisions for accessory buildings in residential districts.

The Planning Board supported the revisions as proposed and directed staff to further consider the following:

1. *Increasing the Maximum Size:* Second units are currently capped at a maximum size of 600-square-feet. At the direction of the Planning Board, staff proposes increasing the maximum size of second units up to 700 square feet, which provides an appropriately-sized one-bedroom unit while staying true to the concept of a small "granny or in-law unit" that would not have impacts on adjacent properties. The 700-square-foot limit is also under the 750-square-foot threshold for which a review of off-street parking is triggered for expansions to existing residential units. Property owners wishing to build larger second units have the option to apply for a Use Permit or comply with other zoning regulations for adding residential units to properties in a multi-family zoning districts.

2. *Allow Tandem Parking for the Primary and Second Unit.* Under the Zoning Ordinance, tandem parking may be used to satisfy parking requirements provided that both spaces serve the same unit. Tandem parking is justified when the use of tandem parking can be coordinated by members of the same household. Otherwise, the coordination of tandem parking between two households can be challenging, and may result in residents of one of the two units using on-street parking instead of the tandem off street parking space. For this reason, staff does not recommend allowing parking for the second unit to be in a tandem configuration with the primary unit. The staff proposal allows a second unit on properties that already have or can establish two independent parking spaces.

In conclusion, staff believes that the proposed revisions provide the correct balance between the City's General Plan policy to facilitate the creation of small secondary units and the General Plan policy to preserve the high quality of life and minimize impacts from new development in existing Alameda neighborhoods.

2. Design Review Exemption for Windows and Patio Doors.

One of the most common improvements undertaken by homeowners in Alameda is work related to windows and patio doors. In 2014, Alameda homeowners applied for 540 permits for window improvements, and approximately 20% (over 100 applications) triggered Design Review. The Design Review process imposes additional costs and time on the residential permit applicants.

The current list of Design Review Exemptions gives deference to well-designed architectural restoration work, replacement-in-kind work, and small improvements occurring on the first story at the rear of the building. The absence of a Design Review exemption for common, routine improvements to windows and patio doors have generated complaints by homeowners in the Permit Center. Homeowners are most frustrated when they choose to invest in upgrading substandard windows in their home only to be told they must 1) enlarge the window opening to meet current California Building Code egress requirements, and that 2) the required change in the size of the window triggers an additional Design Review permit. Similar situations arise with bathroom and kitchen remodels, where the window opening must be adjusted to accommodate interior cabinetry and fixtures.

Staff recommends adding a new Design Review exemption specifically for window and patio door improvements, provided that the opening is not on a street-facing elevation, and the resulting design complies with adopted design guidelines for visual compatibility with the building. The proposed language of the exemption includes performance criteria to protect original unique features on some historic buildings while ensuring that new improvements achieve specific window design outcomes set forth in the Design Review Manual. The performance criteria also maintains discretionary review on proposals that involve creating new floor area, such as basement and attic conversions. A distinction is made between patio doors and standard doors in order to maintain City

oversight on the location of primary entrances, which have an effect on the overall character of a building. With this exemption, staff review of the proposed window/patio door work will occur over-the-counter.

The Alameda Architectural Preservation Society provided input on this exemption, which was incorporated into the proposed text amendment. Specifically, staff is recommending the following text be added to the list of Design Review exemptions in Section 30-37.2.b.:

“Window and patio door improvements, including new installation, removal, relocation, or resizing of existing openings, provided the improvement:

- A. Is not located on a front or street side elevation.*
- B. Is not associated with the creation of new floor area.*
- C. Does not alter any original or other architecturally significant character-defining features, such as stained glass, decorative arches and other special treatment.*
- D. 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.”*

3. Resolve conflicting rules for Home Occupation signs.

Each year, the City issues over 200 home occupation permits to Alameda residents who operate a small business in their home. This has been a steady trend for the past 15 years as technology expands the capacity for mobile and at-home workplaces.

Conflicting provisions for Home Occupation signs currently exist between the Home Occupation regulations in Section 30-2 of the Zoning Ordinance, which allows one (1) non-illuminated sign, and Sign Ordinance section 30-6.3.c.1.d, which prohibits such signs. Staff believes this conflict was inadvertently created when the Home Occupation regulations were last updated to allow one sign and a corresponding update not being made to the Sign Ordinance. Therefore, staff recommends the Sign Ordinance be modified to match the Home Occupation regulations to allow one (1) sign while specifying the maximum size permitted not to exceed two (2) square feet, which provides a small sign for business identification that is not large or intrusive in a residential setting.

Specifically, staff is recommending the following text in Section 30-6.3.c.1.d of the Sign Ordinance be revised as follows:

“(d) Home Occupation: ~~No signs~~ One (1) non-illuminated sign not exceeding two (2) square feet in area shall be allowed.”

ENVIRONMENTAL REVIEW

The proposed amendments to the Zoning Ordinance regarding residential permit streamlining are categorically exempt under California Environmental Quality Act (CEQA) Section 15305 – Minor Amendments to Land Use Limitations. The proposed amendments regarding Second Units are Statutorily Exempt from the requirements of CEQA pursuant to Section 15282(i) of the CEQA Guidelines, which exempts the adoption of ordinance revisions to comply with Government Code Section 65852.2 (AB 1866 – Second Unit Law).

PUBLIC NOTICE AND COMMENTS

Because these Zoning Ordinance amendments are citywide in nature, the public hearing was advertised in the newspaper and posted on the City website. The proposed Design Review exemption for windows and patio doors was coordinated with the Alameda Architectural Preservation Society.

RECOMMENDATION

Hold a public hearing and recommend by motion that the City Council adopt the Draft Ordinance amending Chapter 30 of the Alameda Municipal Code (Exhibits 1 and 2).

Respectfully submitted,

Allen Tai
Planning Services Manager

Exhibits:

1. Draft Second Unit Ordinance and Accessory Building Regulations
2. Draft Ordinance for Residential Permit Streamlining Amendments

ITEM 7-A

CITY OF ALAMEDA

Memorandum

To: President and
Members of the Planning Board

From: Allen Tai, AICP
Planning Services Manager

Date: December 14, 2015

Re: Public hearing to consider clarifying text amendments to Sections 30-5.7(k) through 30-5.7(m) of the Zoning Ordinance related to continuation of existing legal nonconforming building setbacks and building height. The proposed amendments are categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15305, Minor Alterations to Land Use Limitations.

BACKGROUND

In past year, the Planning Board heard appeals of several staff level Design Review approvals involving additions to single-family homes along existing legal nonconforming rear or side yard setbacks. Sections 30-5.7(k) through 30-5.7(l) of the Zoning Ordinance stipulates that such additions along nonconforming setbacks may occur as long as a finding can be made that “*no adverse effects such as shading or view blockage would occur on adjoining properties.*”

City practice has been to evaluate whether the shading and view blockage impacts are significant. Some appellants have interpreted the language to argue that any shading on a neighboring property prohibits approval of an addition.

On November 23, 2015, the Planning Board directed staff to return with a recommendation on clarifying the interpretation of the findings consistent with current practice.

DISCUSSION

Alameda has allowed additions along nonconforming setbacks over the past 25 years. The exceptions to standard setbacks in Section 30-5.7(k) and 30-5.7(l) were introduced to the Zoning Ordinance in 1989. Section 30-5.7(m) was subsequently added to allow continuation of roof lines that exceed the maximum building height of the zoning district. The exceptions were deemed necessary for two reasons. First, the exceptions encourage Alameda homeowners to invest in improving Alameda’s older housing stock,

much of which was built on narrow lots predating the Zoning Ordinance and modern building codes. Second, the flexibility allows additions to integrate seamlessly into existing buildings and preserve the original character of existing homes, which is consistent with the residential design guidelines.

Current Practice and Interpretation of the Finding

The City's practice over the past 25 years has been to evaluate whether a project's increased shade or view blockage is significant compared to existing conditions and compared to an alternative design which provides a full setback from the property line. If the change in shading or views is not determined to be significant, then staff has recommended making the findings for project approval. In Alameda's urban setting, with many residential properties on substandard lots (under 50 feet wide), it is unrealistic to expect an addition, or any change to the exterior building envelope, to cause no change in shading on an adjoining property. As substantiated by the many shadow studies for additions that have been reviewed and approved over the past 25 years, almost all residential buildings in the City shade each other at different points in time, and even additions that meet the setback increase shade and reduce views for adjacent properties.

For shade impacts, an applicant must submit a shadow study depicting both the existing and proposed shadows as well as a code-compliant alternative. The shadow study is then evaluated to determine whether the additional shadows represent a significant increase over all three scenarios. For example, the shadows for an addition along a nonconforming three-foot side yard would be compared to the existing building as well as that of an addition built along a standard five-foot setback. If the difference in shadows between the scenarios are found to be negligible, then the "K & L" finding is justified. It should be noted that finding significant shadow impacts in these situations are rare due to the proximity of the homes in Alameda to each other and the density at which Alameda neighborhoods are built.

For view impacts, it is important to note that views are not defined in the Zoning Ordinance, which makes a determination of view blockage subjective. Furthermore, as a city with little topography, any addition on a residential parcel will block some view from some windows on an adjacent property. Because of the difficulty in ascertaining view impacts, staff believes it is especially important to qualify the finding for view blockage as "significant" and compare the impact relative to existing conditions and a code-compliant scenario, similar to the approach used to evaluate shade impacts.

Proposed Amendment

To clarify the code, staff recommends amending the language in Sections 30-5.7(k) and 30-5.7(l) as follows:

~~“no 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 a conforming setback”

Staff also recommends clarifying Section 30-5.7(m) in the same manner for continuation for existing rooflines, as follows:

~~“no 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 a roof extension built in compliance with the maximum building height”

ENVIRONMENTAL REVIEW

The proposed amendments to the Zoning Ordinance regarding residential permit streamlining are categorically exempt under California Environmental Quality Act (CEQA) Section 15305 - Minor Amendments to Land Use Limitations.

PUBLIC NOTICE AND COMMENTS

Because these Zoning Ordinance amendments are citywide in nature, the public hearing was advertised in the newspaper and posted on the City website.

RECOMMENDATION

Hold a public hearing and recommend by motion that the City Council adopt the Draft Ordinance amending Chapter 30 of the Alameda Municipal Code (Exhibit 1).

Respectfully submitted,

Allen Tai
Planning Services Manager

Exhibit:

1. Draft Ordinance