

CITY OF ALAMEDA ORDINANCE No. \_\_\_\_\_

New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY AMENDING CHAPTER 30 OF (ZONING ORDINANCE) TO STREAMLINE IMPROVEMENTS TO EXISTING RESIDENTIAL PROPERTIES AND MINOR ADMINISTRATIVE, TECHNICAL, AND CLARIFYING REVISIONS TO THE ZONING ORDINANCE REGARDING CHIMNEYS, ACCESSORY BUILDINGS, WINDOWS, EXISTING DRIVEWAYS AND PARKING, NON-CONFORMING SETBACKS, HOME OCCUPATION SIGNAGE, AND OTHER MISCELLANEOUS AMENDMENTS

BE IT ORDAINED by the City Council of the City of Alameda:

Findings.

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

1. The amendments maintain the integrity of the General Plan. The proposed zoning text amendments are necessary to ensure that improvements to existing residential homes can be efficiently processed while maintaining the ability to attain General Plan Design Element goals to protect the character of Alameda's established neighborhoods. The proposed amendments will also simplify and improve minor development regulations for residential properties and provide relief for Alameda homeowners undertaking small, routine improvements.
2. The amendments will support the general welfare of the community. The proposed zoning text amendments expand the list of residential property improvements exempt from Design Review, provided the work conforms to the City's adopted design guidelines. These new exemptions include window and door modifications and chimney alterations for seismic safety. The exemptions provide an incentive for property owners to comply with adopted City design guidelines while reducing cost and streamlining the timeline for obtaining required permits.
3. The amendments are equitable. The proposed zoning amendments are equitable in that they further clarify and streamline processes and procedures for the review of minor residential property improvements for Alameda residents.
4. The amendments are exempt from the California Environmental Quality Act. The proposed amendments to the Zoning Ordinance pertaining to miscellaneous residential property improvements are categorically exempt under California Environmental Quality Act (CEQA) Section 15305 – Minor Amendments to Land Use Limitations.

Section 1. AMC Section 30-2.b Definitions shall be amended as follows:

*“Accessory building shall mean a detached subordinate building, ~~any part of which is within a required minimum yard of the subject Zoning District, and~~ 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. For properties within a Residential zone, or with a Residential use, the use of such accessory buildings is restricted to garages, carports, storage sheds, and similar buildings which are found by the Building Official to conform to the "U" (utility) occupancy classification.”*

Section 2. Section 30-3.1 - Designation of Districts shall be amended as follows:

Insert “E Estuary District” after “O Open Space”

Revise “NP-M North Park Street Maritime” to “NP-MM North Park Street Maritime Manufacturing”

Insert “NP-R North Park Street Residential” after “NP-MM North Park Street Maritime Manufacturing”

Replace “NAS Alameda Point” with the following:

*“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”*

Revise “AP Administrative-Professional District” to “A-P Administrative Professional District” (add a dash between A and P)

Revise Chapter 30 to replace any inconsistencies in the zoning designations to match the designations in Section 30-3.1 - Designation of Districts.

Section 3. AMC Section 30-5.7.f Accessory Buildings shall be amended as follows:

*“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 ~~located in a required side or rear yard~~ 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 coveragesizes permitted.~~ Accessory buildings shall not ~~exceed cover more than four hundred (400) square feet in size, or 40% of the minimum required rear yard as prescribed by the subject Zoning District, whichever is greater.~~ ~~As an exception to the four hundred (400) square feet limit, lots that have a minimum required rear yard of over one thousand (1,000) square feet may have accessory structures that exceed four hundred (400) square feet in size, but may not occupy more than forty (40%) percent of the minimum required rear yard as prescribed by the subject Zoning District.~~ That portion of an accessory building which is outside the minimum required rear yard is subject to maximum main building coverage limitations of the subject zone.

3. Minimum setbacks from side property lines. If located less than seventy-five (75') feet from the front property line, the accessory building shall observe a five (5') foot side yard setback. If the accessory building is to be located seventy-five (75') feet, or more, from the front property line, it may be built up to the interior side property line(s), provided that all construction within three (3') feet of the property line (including eaves and similar architectural features) is one 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 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 Planning and Building Community Development Director and Building Official if one 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.*

Section 4. 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.”*

Section 5. Section 30-7 Off-Street Parking and Loading Space Regulations shall be revised as follows:

Relocate the following text from the table in Section 30-7.6 Schedule of Required Minimum and Maximum Off-Street Parking Space to create a new Subsection 30-7.2.f and revise to read as follows:

*“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 or a primary dwelling and a second 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.”*

Subsection 30-7.5.a Floor Area shall be amended to read as follows:

*“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.”*

Section 30-7.18 - Use and Extension of Non-Conforming Driveways and Perimeter Landscaping shall be amended to read as follows:

*“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, subject to the approval of the Community Development Planning & Building and Public Works Directors.”*

Section 6. Section 30-37.2 - Improvements subject to Design Review and Exemptions shall be amended to read as follows:

*“a. All improvements require Design Review approval unless specifically exempt pursuant to 30-37.2.b.*

*b. Exempt Improvements:*

- 1. Interior Improvements;*
- 2. Replacement-in-kind provided that any structure being replaced is less than two hundred twenty (220) 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 the architectural style of the 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 two hundred twenty (220) square feet, and;*
  - B. The improvement is a one-story accessory structure or the improvement is located on the first story as defined by the Building Code, and;*
  - C. The improvement is located in the rear yard area, the improvement is in compliance with all applicable lot coverage, open space, and setback requirements of the applicable zoning district, and;*
  - D. The improvement includes exterior materials, architectural detailing, roof pitch and design, windows, and doors that are a visual match to the existing, or if the structure or element has been previously modified, original design of the structure at the time of construction.*

8. Foundation work;
9. New or refaced signs, regulated under Section 30-6 with approved sign permits and signs that meet the requirements of an approved sign program.
10. Reserved.
11. New awnings that meet all of the following criteria:
  - A. Is covered in an opaque, non-glossy fade and fire resistant fabric material; and
  - B. Matches the alignment and shape of any existing awning on the same level of the building; if consistent with other criteria; and
  - C. Does not cover transom windows or extend more than six inches (6") beyond the perimeter of a window, door or other opening; and
  - D. Is not placed over pilasters, columns or other prominent vertical elements; and
  - E. Provides a minimum of eight feet (8') of vertical clearance for framed portions and seven feet (7') for any unframed valances; and
  - F. Exhibits a slanted or, if over arched windows or individual upper floor windows, a domed shape; and
  - 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. Second units consistent with development regulations of Section 30-4.1.
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 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."

Section 7. Section 30-37.6 - Expiration and Extension shall be amended to read as follows:

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

Section 8. Section 30-5.7(k) and 30-5.7(l) - *Exceptions to allow additions with less than the required minimum side yards* shall be amended as follows:

*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.*

Section 9. Section 30-5.7(m) - *Exceptions to allow extension of roof ridges and roof pitch with heights greater than the maximum building height limitation* shall be amended as follows:

*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.*

Section 10. Severability Clause. It is the declared intent of the City Council of Alameda that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provision of this ordinance.

Section 11. This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

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Presiding Officer of the City Council

Attest:

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Lara Weisiger, City Clerk  
City of Alameda



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I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the \_\_\_\_ day of \_\_\_\_\_, 2016, 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 \_\_\_\_\_, 2016.

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Lara Weisiger, City Clerk  
City of Alameda

Approved as to Form:

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Janet C. Kern, City Attorney  
City of Alameda