

To: Honorable President and Members of the Planning Board

From: Andrew Thomas, Assistant Community Development Director
Allen Tai, Planning Services Manager
Deborah Diamond, Project Planner

Re: Study Session to Consider Draft Text Amendment to the City of Alameda Zoning Ordinance (AMC Chapter 30) for Modification of Regulations Pertaining to Second Units (Accessory Dwelling Units), Accessory Structures, and Residential Parking Requirements for Additions of Floor Area to Comply with State Law. The proposed amendments are Statutorily Exempt from the California Environmental Quality Act pursuant to Section 15282(h).

BACKGROUND

On September 27, 2016, Governor Brown signed three bills into law (AB 2299, SB 1069, and AB 2406), which modify State regulations related to accessory dwelling units (ADUs) in Government Code Section 65852.2. The State legislation is intended to address the current statewide housing crisis and increase affordable housing availability by streamlining local government approvals for the creation of ADUs also commonly referred to as "secondary units" or "granny flats".

The new State laws establish development standards for the regulation of ADUs by local government. Any existing local regulations that are inconsistent with the new State laws became null and void in January and are replaced by the relevant provisions of State law. Existing provisions that are consistent with State law or are not in conflict with State law may remain in effect. The State Department of Housing and Community Development (HCD) recently published a memorandum intended to provide further guidance on implementation of the new State laws. It can be found at: <http://www.hcd.ca.gov/policy-research/docs/2016-12-12-ADU-TA-Memo.docx.pdf>.

The purpose of the Alameda Municipal Code (AMC) amendments described in this report is to bring the City of Alameda's local regulations into conformance with State law. As of January 1, 2017, the City began implementing the new State laws as required, and since the beginning of the year two ADUs have been approved under the new regulations.

The proposed changes are described below generally, and the specific changes are shown in Exhibit 1. In addition, the recent changes to State law require that the Planning Board re-examine residential parking requirements for residential additions of 750 square feet or more.

Staff is requesting that the Planning Board and community at large review and comment on the proposed ordinance amendments. Based upon the comments received, staff will make the necessary adjustments and return for a future Planning Board hearing and recommendation to the City Council.

DISCUSSION:

An ADU is a second dwelling unit on a lot with a single-family home. Unlike a duplex, the ADU is subordinate to the primary dwelling. Specifically, it is smaller in size. Only one ADU is allowed per lot. An ADU provides complete independent living facilities for one or more persons. It may be a unit that converts existing space within the primary dwelling, an addition to the primary dwelling, or an accessory building on the lot.

Alameda's ADU regulations were last updated in 2010. The current regulations establish certain standards that must be met to allow the property owner to apply for a Building Permit to construct an ADU on their property. If an applicant cannot meet the standards established under the current code, the current code allows the applicant to apply for a Use Permit to waive the specific requirement that is limiting their ability to apply for a Building Permit. Between 2010 and 2016, the existing regulations have resulted in only two new ADUs in Alameda. For comparison, the City lost six units during the same period from the conversion of multi-family units to single family homes.

The proposed amendments to the City's existing code would maintain the basic structure of the ordinance, but modify those requirements for a building permit that were rendered null and void in January by the new State laws. Specifically:

Minimum Lot Size: Under State law, the ADU is accessory to the primary residential unit. Therefore, the local land use regulations may require that the ADU respect the same development standards as the primary unit (e.g. same height limit, same setbacks, etc.), but local land use regulations cannot impose more restrictive standards for the ADU that do not apply to the main residential unit.

Under current AMC 30-4.1.a.9(c), ADUs are only permitted on properties with a lot size of 7,500 square feet. The minimum required lot sizes in most Alameda neighborhoods for the primary residential unit is 5,000 or less. This regulation and similar local laws that limit housing density are now invalid under the recent State Legislation for the purpose of ADUs. The draft amendments strike the minimum lot size requirement from the local regulations. The result of the change is to allow an ADU on any residential lot that is occupied by a single family home.

Parking: State law mandates that local governments have flexibility in parking configuration, by allowing tandem parking on an existing driveway and to permit parking in setback areas unless there are safety considerations. Furthermore, State law specifies that when an ADU displaces garage parking, that the replacement spaces be "in any configuration, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces." Furthermore, State laws specify that ADUs must be exempt from parking requirements in any of the following situations:

- The ADU is located within one-half mile of public transit.

- The ADU is located within an architecturally and historically significant historic district.
- The ADU is part of the existing primary residence or an existing accessory structure.
- When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- When there is a car share vehicle located within one block of the accessory dwelling unit.

The City's current regulations require a single, independent parking space for an ADU. In Alameda, most residential properties are within one-half mile of public transit. The draft amendments bring the code into compliance with State Law by specifying that additional parking is not required for an ADU that meets any of the above criteria.

ADU Size: The State law establishes certain requirements to allow a dwelling unit to be considered an ADU under State law. Dwelling units larger than 1,200 square feet in size or larger in size than the main residential dwelling are not ADUs, under State Law. State Law does not limit the City's ability to establish a maximum unit size.

The current City regulations limit ADUs to 600 square feet of "habitable area". Although this provision is not in conflict with State law, staff is recommending that the provision be amended to limit ADU's that are attached or within the primary dwelling to 750 square feet of "floor area". Detached ADUs, such as a rear-yard cottage, would remain at a maximum of 600 square feet. In either case the size would be further limited to a maximum of 50 percent of the floor area of the primary dwelling. Floor area includes all habitable area as well as closets, storage areas, etc. Measuring by floor area simplifies and clarifies the permitting process for both applicants and staff. Staff is also recommending the elimination of the current minimum floor area requirement of 350 square feet, because minimum living space accommodations are already established under the California Building Code.

Accessory Buildings and "U" Occupancy: Under State law, ADUs cannot be prohibited from being located in accessory structures and detached garages. HCD describes this provision of the law as facilitating conversion of accessory structures and garages as a low cost method to create new housing in California. Under current AMC provisions, accessory structures must conform the Building Code definition of a "U" (utility) occupancy classification. This classification is intended for utility or storage buildings and garages and precludes habitable space as home offices, art studios, or living space. Therefore, Alameda's "U" occupancy requirement is now in conflict with State law. Staff is recommending that the "U" occupancy requirements be removed from the definition of accessory buildings.

Design Review: Under State Law, local governments may apply design standards provided they are not onerous to the creation of the ADU and that the application review

process is ministerial. Ministerial review means there will be no public noticing period and the decision of the application is not appealable. The City of Alameda has adopted residential design review standards, which may be reviewed ministerially by staff. The City's current list of project types that are exempt from Design Review already includes an exemption for Second Units. Staff recommends substituting the words "Second Units" with "Accessory Dwelling Units" throughout the Zoning Ordinance for consistency.

Residential Additions that Trigger More Parking (the 750 Rule):

Under the current parking code, residential additions of 750 square feet or more must create an additional off-street parking space on the property, if the property does not currently meet the off-street parking requirements. Where the addition increases the floor area of the home to 3,000 square feet or more, the ordinance mandates three parking spaces for that single family home. Many properties in Alameda do not meet the parking requirement for two off-street parking spaces. Under the current Zoning Ordinance, a variance is required to waive the parking spaces, but a variance is a difficult standard to meet due to mandatory findings requiring exceptional physical site characteristics and hardship that are typically applicable only to odd-shaped lots and unusual site configurations. In February 2017, the Planning Board asked staff to consider ways to relieve to this restriction as part of its deliberation of a similar project on Court Street.

The new State laws regarding ADUs force the City to question the "750 rule" as follows:

If a property owner can add 600 or 750 square feet of living space for an ADU without adding a parking space, why can't that same property owner add 600 or 750 square feet of living space for his or her own family without adding a parking space?

Staff recommends that the Planning Board review and discuss the following options for consideration:

1. Eliminate the 750 Rule. Eliminating the requirement for additional parking for living space would be consistent with a number of recent State laws with the intent of increasing housing opportunities in urban areas of the State and laws intending to reduce dependence on fossil fuels and vehicle miles travelled. Many residents choose to use their private garage for storage of items other than an automobile. Some choose to park on the street rather than navigate a long, narrow driveway. Others choose to use their driveways for open space, play areas, or gardens. Eliminating the 750 Rule would acknowledge that parking habits are a behavior that may or may not reflect how a physical on-site required parking space is actually used. The Board should also consider that the 750 rule has an indirect effect on limiting the size of residential additions as homeowners try to avoid triggering the additional parking requirement. Eliminating the 750 Rule completely would remove a key factor that currently limits the size of residential additions.

2. Retain the 750 Rule but exempt ADU's. This option would retain the 750 Rule for residential additions to the primary dwelling but exempt new floor area created for ADUs.
3. Creation New Exemption to the 750 Rule. To be considered with Option 2 above, the Planning Board could create a new exemption to the 750 Rule that would apply when residential additions satisfy one or more of the following:
 - a) Accompanied by a petition signed by 50% of the residents of the block stating no opposition to the proposal,

and/or
 - b) The property is located within ¼ mile of a transit stop,

and/or
 - c) Accompanied by a use permit (includes noticing for all properties with 300 feet of property) in which the Zoning Administrator determines that the addition would not result in significant parking shortages in the neighborhood. Zoning Administrator decisions may be appealed to the Planning Board, they may be called for review by the Planning Board, or they may be referred to the Planning Board by the Zoning Administrator.

ENVIRONMENTAL REVIEW

The proposed amendments are Statutorily Exempt from the requirements of CEQA pursuant to Section 15282(h) of the CEQA Guidelines, which exempts the adoption of ordinance revisions to comply with Government Code Section 65852.2.

PUBLIC NOTICE AND COMMENTS

On March 17, 2017, a notice of this study session was placed in the newspaper and published on the City website.

RECOMMENDATION

Review and comment on the draft Ordinance amendments included in Exhibit 1. Provide direction to staff on the 750 rule.

Respectfully submitted,

Andrew Thomas, Assistant Community Development Director

By,
Allen Tai, Planning Services Manager
Deborah Diamond, Project Planner

Exhibit:

1. Draft Ordinance

DRAFT
CITY OF ALAMEDA ORDINANCE No. _____
New Series

AMENDING CHAPTER XXX OF THE ALAMEDA MUNICIPAL CODE (ZONING ORDINANCE) TO MODIFY REGULATIONS PERTAINING TO ACCESSORY DWELLING UNITS AND RELATED RULES.

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 amendments to the zoning ordinance related to accessory dwelling units are consistent with the City of Alameda's housing goals, policies and programs. The amendments would help Alameda meet its housing needs objectives as specified in the General Plan Housing Element by reducing barriers for new accessory dwellings and encouraging new accessory units through the conversion of accessory buildings where possible. The proposed amendment will also facilitate housing opportunities for households in a range of income groups, and for smaller households including seniors. Furthermore, the proposed amendment will assist with homeownership by enabling rental income to offset the costs of buying a home.
2. **The amendments will support the general welfare of the community.** Accessory dwelling units provide an important source of affordable housing. By promoting the development of accessory dwellings, Alameda may ease a rental housing deficit, maximize limited land resources and existing infrastructure and assist low and moderate-income homeowners with supplemental income. Accessory dwelling units contribute to the local affordable housing stock and increase the City's property tax base, all of which will enhance the general welfare for the Alameda community. In addition, accessory dwellings offer a means of adding housing units with minimal impacts on existing residential neighborhoods.
3. **The amendments are equitable.** The proposed amendments are equitable in that they increase the opportunity for Alameda homeowners to add an accessory dwelling unit to their property. These amendments clarify and streamline regulations pertaining to accessory dwelling units, and they expand the number of properties in Alameda eligible to attain an accessory dwelling unit.
4. **The amendments are exempt from the California Environmental Quality Act.** The proposed amendments are Statutorily Exempt from the requirements of

CEQA pursuant to Section 15282(h) of the CEQA Guidelines, which exempts the adoption of ordinance revisions to comply with Government Code Section 65852.2.

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

“Accessory building shall mean a detached subordinate building, the use of which is incidental to that of the main buildings(s) on the same lot or to the primary use of the land. For properties within a residential zone, or with a residential use, such accessory buildings includes garages, carports, storage sheds, private studios and similar buildings, and do not include dwelling units. No kitchen and no more than two water fixtures are permitted within accessory buildings on lots with residential uses.”

“Accessory dwelling unit shall mean an attached or detached residential dwelling which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as one single-family dwelling.”

“Accessory dwelling unit - Junior, shall mean a unit that is no more than 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.”

Section 2. 30-4.1 - R-1, One-Family Residence District shall be amended as follows:

b. *Uses Permitted.*

9. ~~Second Accessory dwelling units on a single parcel containing one (1) single-family dwelling, when in compliance with the following standards: requirements set forth in Section 30-5.18.~~
- ~~(a) All building coverage, yard areas, and setback requirements of the R-1 District shall be met for new structures and additions to existing dwellings intended for second units, unless the requirements for exceptions provided for in Chapter 30 of the Alameda Municipal Code are met. Second units are not accessory structures.~~
- ~~(b) Aggregate lot coverage of building footprint(s) and nonpermeable surfaces shall not exceed sixty (60%) percent.~~
- ~~(c) The minimum lot size on which a second unit shall be allowed is seven thousand five hundred (7,500) square feet.~~
- ~~(d) A second unit may be attached to or detached from the primary living unit.~~
- ~~(e) When detached from the primary dwelling, the design of the second unit shall be consistent with that of the primary residence, incorporating 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.~~

- ~~(f) When attached to the primary dwelling, the design of the second unit shall appear as an integral part of the primary dwelling and incorporate the same materials, colors and style as the exterior of the primary dwelling, including roof materials and pitch, eaves, windows, accents, distinctive features, and character defining elements. Creation of the second unit shall not involve any changes to existing street-facing walls nor to existing floor and roof elevations.~~
- ~~(g) An attached second unit shall have no more than one (1) bedroom and contain no more than six hundred (600) square feet of habitable space, including the stairwell contained entirely within the second unit, if any, or be no more than fifty (50%) percent of the primary living unit, whichever is less. In no case shall the attached second unit be less than three hundred fifty (350) square feet.~~
- ~~(h) A detached second unit shall have no more than one (1) bedroom and be no more than six hundred (600) square feet of habitable space and no less than three hundred fifty (350) square feet of habitable space, including the stairwell contained entirely within the second unit, if any. Detached second units may exceed one (1) story when the primary dwelling has more than one (1) story; otherwise, the detached second unit may not exceed sixteen (16) feet in height, unless additional height is required to match the roof pitch of the primary dwelling. The second unit shall maintain the scale of and be visually compatible with adjoining residences and the residences in the immediate vicinity.~~
- ~~(i) Utilities extended to a detached second unit shall be underground.~~
- ~~(j) No protected tree(s) shall be removed to accommodate a second unit.~~
- ~~(k) Property owner shall record a deed restriction prohibiting the separate sale of the second unit.~~
- ~~(l) The second unit shall have one permanently surfaced parking space. The parking space shall be located in accordance with Section 30-7.8, Location of Parking Spaces and Prohibited Parking Areas.~~
- ~~(m) The parking space for the second unit shall function independently of other parking spaces on the site. A tandem parking space shall not count as meeting the required parking for the second unit.~~
- ~~(n) Building permits for second units shall be issued when all the above standards are met. No discretionary action is required.~~
- ~~(o) If applications for building permits for second units are rejected because the application fails to meet the standards listed herein, any appeal of that action shall be considered by the Planning and Building Director, who shall take action on the appeal based solely upon the Second Unit approval~~

~~standards listed in subsection 30-4.1b.9.(a) through (s), of the Alameda Municipal Code.~~

~~(p) Second units which conform to the requirements of this section shall not be considered to exceed the allowable density for the lot upon which they are located and deemed a residential use consistent with the general plan and zoning designation of the lot.~~

~~(q) Second units that do not conform to the standards of this section may be established with use permit and design review approval.~~

~~(r) Before obtaining a second unit building permit, 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 second unit shall not be sold separately.~~

~~(2) The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.~~

~~(s) 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.~~

c. *Uses requiring use permits.*

Insert:

"6. Accessory dwelling units on a single parcel containing one (1) single-family dwelling, when not in compliance with the requirements set forth in Section 30-5.18, as specified by subsection 30-5.18.e.3."

Section 3. 30-4.2 - R-2, Two-Family Residence District shall be amended as follows:

b. *Uses Permitted*

Insert:

"9. Accessory dwelling units on a single parcel containing one (1) single-family dwelling, when in compliance with the requirements set forth in Section 30-5.18."

c. *Uses Requiring Use Permits.*

Insert:

“7. Accessory dwelling units on a single parcel containing one (1) single-family dwelling, when not in compliance with the requirements set forth in Section 30-5.18, as specified by subsection 30-5.18.e.3.”

Section 4. Section 30-4.3 - R-3, Garden Residential District.

c. Uses Requiring Use Permits.

Insert:

“5. Accessory dwelling units on a single parcel containing one (1) single-family dwelling, when not in compliance with the requirements set forth in Section 30-5.18, as specified by subsection 30-5.18.e.3.”

Section 5. Section 30-4.4 - R-4, Neighborhood Residential District.

c. Uses Requiring Use Permits.

Insert:

“7. Accessory dwelling units on a single parcel containing one (1) single-family dwelling, when not in compliance with the requirements set forth in Section 30-5.18, as specified by subsection 30-5.18.e.3.”

Section 6. Section 30-4.5 – R-5, General Residential District.

c. Uses Requiring Use Permits.

Insert:

“7. Accessory dwelling units on a single parcel containing one (1) single-family dwelling, when not in compliance with the requirements set forth in Section 30-5.18, as specified by subsection 30-5.18.e.3.”

Section 7. Section 30-4.6 – R-6, Hotel Residential District.

c. Uses Requiring Use Permits.

Insert:

“4. Accessory dwelling units on a single parcel containing one (1) single-family dwelling, when not in compliance with the requirements set forth in Section 30-5.18, as specified by subsection 30-5.18.e.3.”

Section 8. 30-5.18 – Accessory Dwelling Units. A new section shall be added as follows:

30-5.18 – Accessory Dwelling Units.

- a. *Purpose.* This Section provides for accessory dwelling units on lots developed or proposed to be developed with one single-family dwelling per lot as required by State law. 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.

b. Applicability.

1. The provisions of this Section apply to all lots that are occupied or proposed to be occupied with one single-family dwelling and zoned for residential use.

c. Development Standards: A maximum of one accessory dwelling unit may be constructed within an existing dwelling or accessory structure, attached to the existing dwelling, or detached from and located on the same lot as the existing dwelling. An accessory dwelling unit shall be permitted ministerially if it complies with the following:

1. *All accessory dwelling units* are subject to the following:

- (a) The accessory dwelling unit shall be located on a lot that is zoned for residential use and that contains or is proposed to contain one primary dwelling structure.
- (b) 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.
- (c) Exterior access shall be provided independently from the primary dwelling.
- (d) Design: An accessory unit shall be visually subordinate to the primary dwelling and its exterior design shall be harmonious with those of the primary dwelling and consistent with the Alameda Guide to Residential Design.
- (e) Side and rear setbacks shall be sufficient for fire safety.
- (f) The size of the accessory dwelling unit shall not exceed 50 percent of the floor area of the primary dwelling.
- (g) No paved path (exterior passageway) shall be required in conjunction with the construction of an accessory dwelling unit.

2. *Accessory Dwelling Units within Existing Dwelling or Accessory Building.*

One accessory dwelling unit fully located within an existing structure in a residential zoning district, including within the primary dwelling or an attached or detached garage or other accessory structure, shall be permitted ministerially with a building permit regardless of all other standards if complying with the standards provided in subsection c.1 above. No additional parking shall be required and no separate water or sewer connection fees shall be required.

3. *Junior Accessory Dwelling Units.* One junior accessory dwelling unit shall be permitted ministerially if complying with the standards of subsection c.1 above, and the following:
- (a) The junior accessory dwelling unit shall be fully located within an existing structure in the R-1 District.
 - (b) The unit shall be created from the conversion of an existing bedroom in the primary dwelling.
 - (c) The unit shall be no larger than 500 square feet in floor area.
 - (d) The unit shall maintain an interior connection to the primary dwelling.
 - (e) The unit may contain separate sanitation facilities or may share with the primary dwelling.
 - (f) The unit shall include a kitchen that is limited to the following components:
 - (1) Sink with a maximum waste line diameter of 1.5 inches;
 - (2) Cooking appliances that do not require electrical service greater than 120 volts, or natural or propane gas, and
 - (3) A food preparation counter and storage cabinets.

No additional parking shall be required for a junior accessory dwelling unit, and no separate water or sewer connection fees shall be required.

4. *Accessory Dwelling Units with Added Floor Area:* Accessory dwellings that add floor area on a lot, either through construction of a detached structure or addition to an existing structure, including added floor area through basement or attic conversion, shall be permitted ministerially if in compliance with the standards of subsection c.1 above, and the following:
- (a) Maximum size:
 - (1) Attached: The maximum allowable size for an attached unit is 750 square feet or 50 percent of the total floor area of the primary dwelling, whichever is less.
 - (2) Detached: The maximum allowable size for a detached unit is 600 square feet or 50 percent of the total floor area of the primary dwelling, whichever is less.
 - (b) Setbacks, lot coverage and building separation:
 - (1) Attached units shall meet the maximum building coverage and yard requirements of the primary dwelling.
 - (2) Detached units shall meet the setback and separation requirements for accessory building as provided by Section 30-5.7.f., subsections 3, 4, and 5. Except that no setback shall be required for an existing garage that is converted to an accessory unit. The coverage limitations of accessory buildings in rear yards in residential zones shall apply.
 - (c) Height limits:
 - (1) Attached unit: The building height for an attached unit shall meet the building height restrictions for the primary dwelling.

- (2) Detached unit: The maximum building height for a detached unit shall be 15 feet and shall otherwise meet the height restrictions for accessory buildings as provided by Section 30-5.7.f.1.

5. *Parking Requirements for Accessory Dwelling Units.*

- (a) Except as provided by subsections (b) and (c) below, the parking requirement for an accessory dwelling unit shall not exceed one space per unit. The space may be provided as tandem parking, including on an existing driveway or in a side or rear yard area, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon fire and life safety conditions.
- (b) Parking exceptions:
 - (1) Additional parking is not required for accessory dwelling units within an existing dwelling or accessory building.
 - (2) Additional parking is not required for junior accessory dwelling units.
 - (3) Additional parking is not required when any of the following conditions are met:
 - a. The accessory dwelling unit is located within one-half mile of a public transit stop or station.
 - b. The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - c. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - d. When there is a car share vehicle located within one block of the accessory dwelling unit.
- (c) Replacement parking: When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement parking shall not be required and may be located in any configuration on the same lot as the accessory dwelling unit.

d. *Ownership and occupancy restrictions:*

1. No accessory dwelling unit shall be sold separately from the primary dwelling.
2. The property owner shall reside on the property, either in the primary or accessory unit, except that the property owner may live off-site and rent out both the main dwelling and the accessory dwelling in the case of a hardship, as determined by the Director. In no case shall a hardship exemption be allowed when the accessory dwelling is a junior accessory dwelling unit. Examples of hardship include but are not limited to:
 - (a) A medical condition requires residency elsewhere; or
 - (b) The homeowner accepts a job transfer outside of the Bay Area.

3. The accessory dwelling unit shall not be rented for a period of less than thirty days.
4. Before obtaining a building permit for an accessory dwelling unit, the property owner shall file with the county recorder a declaration or 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 the accessory dwelling unit shall be limited to these ownership and occupancy restrictions.

e. Application and Review Process.

1. Application for an accessory dwelling unit shall be permitted ministerially without discretionary review or public hearing when in compliance with the development standards of this Section. A building permit for an accessory dwelling unit shall not be approved without issuance of clearance by the Community Development Director, which establishes that all applicable development standards of this Section are met.
2. Application for an accessory dwelling unit shall not be combined with a proposal to add floor area other than for the accessory dwelling unit and access to the accessory dwelling from the exterior.
3. Exception to the following development standards may be approved with a use permit as provided by Section 30-21.3.
 - (a) Maximum unit size;
 - (b) Setbacks, lot coverage and building separation;
 - (c) Parking requirements.
4. A single-family dwelling must exist on the lot. If the lot is undeveloped, then the applicant may be subject to discretionary review for construction of the primary dwelling.

f. Effect: An accessory dwelling unit that conforms to this section shall:

1. Be deemed an accessory use 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 allowable density 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.

Section 9. 30-7.6 Schedule of Required Minimum and Maximum Off-Street Parking Spaces.

Insert two new rows in table, as follows:

Use	Measurement	Min.	Max.
Residential			
Dwelling units 3,000 sq. ft. or less	Per unit	2	-
Dwelling units more than 3,000 sq. ft. in size	Per unit	3	-
<u>Accessory dwelling units</u>	<u>See Section 30-5.18.c.5</u>		
<u>Accessory dwelling units, Junior</u>	<u>Per unit</u>	<u>-</u>	<u>-</u>

Section 10. 30-37.2 – Improvements subject to Design Review Exceptions.

b. Exempt Improvements.

16. ~~Second units~~ Accessory dwelling units and junior accessory dwelling units consistent with development regulations of ~~Section 30-4.1~~ 30-5.18.

Section 11. 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 12. 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.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk
City of Alameda

Item 7-B Public Comment

From: gerstle@mindspring.com
Sent: Saturday, April 01, 2017 7:00 AM
To: NANCY McPeak
Subject: Do not reduce parking requirements

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Planning Board,

I am writing in opposition to item 7-B on your April 10, 2017 agenda (Draft Text Amendment to the City of Alameda Zoning Ordinance (AMC Chapter 30) for Modification of Regulations Pertaining to Second Units).

I live near the intersection of Santa Clara and Sixth Street. The City's own studies have documented a parking shortage in the neighborhood. Adding more housing units without adding more parking spaces will only worsen the situation. Our neighborhood is already densely populated by Alameda standards. The proximity of transit and the casual carpool creates additional demand for parking as some people drive and park in the area to access these services. The parking shortage is creating a hazard as motorists are parking in red zones and on the sidewalk. This poses a danger to all, but especially to those with disabilities. While the intention may be a good one, the result of reduced parking requirements may actually create harm. Please consider the possible results before making a decision.

Regards,

Steve Gerstle