

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

New Series

AMENDING ALAMEDA MUNICIPAL CODE SECTION 30-2.B (ZONING REGULATIONS) TO DEFINE "ANIMAL SHELTER" AND SECTION 30-4.10 (ZONING REGULATIONS) TO ADD ANIMAL SHELTER AND SUPERVISED OUTDOOR ANIMAL RUNS AS USES REQUIRING A USE PERMIT WITHIN THE C-M (COMMERCIAL-MANUFACTURING) ZONING DISTRICT

WHEREAS, the City seeks to update its Zoning Regulations to amend various sections regarding definitions, use classifications and requirements for animals shelters and outdoor animal runs; and

WHEREAS, this Ordinance will serve the public health, safety and welfare for the reasons set forth in the accompanying Staff Report dated July 16, 2019, and incorporates such reasons herein by reference; and

WHEREAS, this Ordinance is in conformity with adopted City policies in the Safety and Noise Element of the General Plan; and

WHEREAS, adoption of this Ordinance is in compliance with the California Environmental Quality Act, California Public Resources Code sections 21000 et seq.; and

WHEREAS, the proposed updates to the Zoning Regulations were considered at a regular, duly noticed public hearing of the Planning Board on June 10, 2019, and the Planning Board recommended that the City Council adopt the proposed updates; and

WHEREAS, this Ordinance was considered at a regular, duly noticed public hearing of the City Council on July 16, 2019, and all interested parties were provided an ample opportunity to participate in said hearing and express their views.

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

Section 1. FINDINGS. The City Council hereby makes the following findings:

- 1. The amendments maintain the integrity of the General Plan.** The proposed amendments to the Zoning Ordinance are consistent with the goals and policies of the Alameda General Plan. The amendments define the term "animal shelter", add animal shelters and supervised outdoor runs to uses requiring use permits in the C-M zone, and establish the need for special findings for supervised outdoor animal runs within two hundred feet (200') from any residential zoning district. The use permit process is consistent with Policy SN-55 of the Safety and Noise Element of the General Plan, which encourages the City to utilize the development entitlement process to require local businesses to reduce noise impacts on the community by following operating procedures that limit the potential for conflicts.

2. **The amendments will support the general welfare of the community.** The proposed amendments to the Zoning Ordinance will support the general welfare of the community by requiring a Use Permit for animal shelters and supervised outdoor animal runs for protection of the public health, safety, and welfare.
3. **The amendments are equitable.** The proposed amendments to the Zoning Ordinance are equitable in that they provide a comparable public review process for all proposals for animal shelters and supervised outdoor animal runs within two-hundred feet (200') from any residential zoning district.

Section 2. Section 30-2 of the Alameda Municipal Code is hereby amended as follows. Text that is not expressly modified herein remains the same.

#### 30-2 DEFINITIONS.

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- b. As used in this chapter:

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*Anchor-out* shall mean and refer to households or live-aboard boats moored or anchored offshore and not in an authorized commercial marina. (Note: Anchor-outs, other than transient boats, are not permitted.)

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

*Antenna, satellite dish* shall mean a dish-shaped device designed to receive television signals transmitted from orbiting satellites, as well as all supporting equipment necessary to install or mount the antenna.

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Section 3. Section 30-4.10 of the Alameda Municipal Code is hereby amended as follows:

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

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

- (a) Assembly of electrical appliances, electronic instruments and devices, and radios and phonographs, including the manufacture of small parts, such as coils, condensers, transformers, crystal holders and similar items,
- (b) Automotive repairing, overhauling, rebuilding and painting, sales and services,
- (c) Bakeries and bakery goods distributors,
- (d) Bookbinding, printing, lithographing and engraving shops,
- (e) Cabinet and carpenter shops,
- (f) Candy, confectionery, catering establishments,
- (g) Carpet and rug cleaning or dyeing,
- (h) Cleaning and dyeing plants,
- (i) Cold storage plants, including ice storage,
- (j) Dairy products processing plants, but excluding canning operations,
- (k) Diaper supply services,
- (l) Electrical repair shops,
- (m) Equipment sales and service, including refrigeration,
- (n) Exterminators,
- (o) Glass shops, including auto glass,
- (p) Heating and ventilating shops,
- (q) Household goods storage and moving,
- (r) Jewelry manufacturers,
- (s) Laundries and linen supply services,
- (t) Optical goods manufacturing,
- (u) Packaging establishments,
- (v) Parcel delivery services,
- (w) Petroleum products distribution station and accessory uses,
- (x) Photographic processing, finishing and printing,
- (y) Repair shops—miscellaneous,
- (z) Research laboratories and institutions,
- (aa) Sail lofts,
- (bb) Scientific instrument and equipment manufacturing and machine shops,
- (cc) Sheet metal shops,
- (dd) Ship chandleries,

- (ee) Tire sales, retreading, or recapping,
- (ff) Tool or cutlery sharpening or grinding,
- (gg) Underground or above ground public utility facilities for primarily local service such as substations, gas regulators, manned or unmanned communications equipment buildings, and similar uses,
- (hh) Upholstery shops,
- (ii) Veterinary clinics, veterinary hospitals, ~~animal kennels, or animal shelters, or pounds,~~ provided that no such use shall be located within two hundred (200') feet of any R District unless allowed under a Use Permit and provided, further, that all outside pens or runs shall be screened from all adjacent lots and streets by solid fences or walls no less than six (6') feet in height,
- (jj) Warehousing and storage facilities,
- (kk) Wholesale trade establishments,
- (ll) Bed and breakfast facilities, upon compliance with standards set forth in the definition for bed and breakfast in Section 30-2.

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

c. *Uses Requiring Use Permits.*

It is the intent of this paragraph that the following uses shall be reviewed by the Planning Board for their appropriateness in a specific location, or for such other factors as safety, congestion, noise, and similar considerations.

1. Commercial-manufacturing uses not specified above which normally are not conducted within an enclosed structure,
2. Outdoor amusements,
3. ~~Veterinary clinics and/or, veterinary hospitals, kennels, or animal shelters. Such uses may be allowed~~ within two hundred (200') feet of any R District only upon a finding by the Planning Board ~~Director~~ that sufficient air conditioning and soundproofing will be provided to effectively confine odors and noise so as not to interfere with the public health, safety, and welfare. Supervised outdoor runs and unleashed activity shall only be permitted between the hours of 8:00 A.M. and 8:00 P.M., and animals shall be leashed and supervised when outdoors at all other times. No outside pens or unsupervised runs shall be permitted,
4. Any dwelling unit as regulated by subsection 30-4.8c.l. of this article,
5. Boat sales and service,
6. Car washing establishments,
7. Machinery sales, rentals and services,
8. Storage yards for motor vehicles, but excluding truck units as defined in Section 30-2, motor truck terminal,

9. Permitted uses which are not conducted within an enclosed building or structure,
10. Commercial marinas subject to the requirements in subsection 30-4.9c.15,
11. Columbariums and crematoriums,
12. Liquor stores,
13. Grocery stores,
14. Convenience stores located within three hundred (300') feet of any residential zoning district,
15. Work/live studios subject to the requirements of Section 30-15.
16. Large format retail including conversion of existing multiple retail tenant spaces to a single tenant space larger than thirty thousand (30,000) square feet (if part of a planned development, no use permit is required). Super stores, as defined in Section 30-2, are prohibited.

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

1. Lot Area, Width, Coverage and Front Yard: None.
2. Building Height Limit: One hundred (100') feet.
3. Side Yard: Same as specified for C-2 District.
4. Rear Yard: Same as specified for C-2 District.
5. Off-Street Parking and Loading Space: As regulated in Section 30-7 of these regulations.

Section 4. CEQA DETERMINATION. Adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 (Minor Alterations to Land Use Limitations) and 15061(b)(3) (common sense exemption: where it can be seen with certainty that the proposal does not have the potential to have a significant effect on the environment).

Section 5. SEVERABILITY. If any provision of this Ordinance is held by a court of competent jurisdiction to be invalid, this invalidity shall not affect other provisions of this Ordinance that can be given effect without the invalid provision and therefore the provisions of this Ordinance are severable. The City Council declares that it would have enacted each section, subsection, paragraph, subparagraph and sentence notwithstanding the invalidity of any other section, subsection, paragraph, subparagraph or sentence.

Section 6. IMPLIED REPEAL. Any provision of the Alameda Municipal Code inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to effect the provisions of this Ordinance.

Section 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Section 8. AUTHORITY. This Ordinance is enacted pursuant to the City of Alameda's general police powers and Article XI of the California Constitution.

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Presiding Officer of the City Council

Attest:

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Lara Weisiger, City Clerk

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I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the \_\_\_\_ day of \_\_\_\_\_, 2019, 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 \_\_\_\_\_, 2019.

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Lara Weisiger, City Clerk  
City of Alameda

Approved as to form:

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Yibin Shen, City Attorney  
City of Alameda