

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

New Series

AMENDING ALAMEDA MUNICIPAL CODE CHAPTER 30  
(DEVELOPMENT REGULATIONS) TO STREAMLINE RESIDENTIAL  
OPEN SPACE REQUIREMENTS AND REMOVE UTILITY  
REQUIREMENTS FOR MULTIPLE HOUSES (CONDOMINIUMS), AS  
RECOMMENDED BY THE PLANNING BOARD

WHEREAS, the California State Legislature, in passing the Housing Crisis Act of 2019, declared a housing supply crisis in the State of California, a crisis which has exacerbated the need for expedient housing production in every community including the City of Alameda; and

WHEREAS, the California State Legislature has determined that the lack of housing supply and rising housing costs are compounding inequality and limiting advancement opportunities for many Californians, the cause of which can be attributed to governmental regulations and constraints that either prevent, delay or complicate the production of housing units by housing developers; and

WHEREAS, in response to the statewide housing crisis, the Alameda City Council has supported actions in recent years, consistent with the City's General Plan and Housing Element, to remove governmental constraints and to facilitate greater housing production in Alameda; and

WHEREAS, the Planning Board held a public hearing on February 22, 2021 and recommended the City Council adopt the subject Ordinance; and

WHEREAS, this Ordinance was considered at a regular, duly noticed public hearing of the City Council on \_\_\_\_\_, 2021, 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 City Council of the City of Alameda that:

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

1. **The amendments maintain the integrity of the General Plan.** The proposed amendment to the Zoning Ordinance related to useable open space design is consistent with the City of Alameda's General Plan. General Plan Policy 6.1.d states that the City should promote the development and retention of open space in private development to compensate for the shortage of public open space. The residential zoning districts require that useable open space be distributed into

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specific configurations of private and common open space. The private open space for ground floor units must be fenced off while upper units must provide balconies. These requirements can be restrictive for residential projects such as affordable housing that may need flexibility to provide outdoor open space as community areas for all of their tenants. Furthermore, the expense of constructing private balconies in order to meet Zoning Ordinance requirements could further restrict community amenities for the tenants. The proposed Zoning Text Amendment allows developers to provide open space designs that best meet the needs of their tenants while still meeting the total useable open space minimum requirements of the Zoning Ordinance. The proposal is consistent with General Plan Policy 6.1.d because it encourages private developers to create more community open space and amenities for their tenants to help compensate for the lack of public open space and parks. The amendment is also consistent with similar open space requirements currently implemented in the North Park Street District. The North Park Street District only requires a minimum amount of useable open space for projects, and does not specify minimum totals for common and private open space. The proposed deletion of utility requirements for multiple houses is consistent with the General Plan Housing Element to remove unnecessary requirements that add cost and barriers for housing production. The requirements for utility metering is redundant with the California Building Code, and the requirements for laundry and storage areas equate to unnecessary micromanaging of occupant needs that are better determined by market demand. Overall, the proposed amendment are consistent with the General Plan.

2. **The amendments will support the general welfare of the community.** The proposed amendments to the Zoning Ordinance to allow for more flexible open space distribution and the removal of requirements of multiple house utility requirements are consistent with the City of Alameda's goals, policies and programs. The amendment will help Alameda meet the objectives specified in General Plan Policy 6.1.d by allowing private developers to provide more community open space and amenities to compensate for the shortage in public open space and parks available in the City. The provision of in-unit storage and laundry utilities will be based on market demand rather than as imposed standard requirements that could increase cost of the units. Therefore, the proposed zoning text amendment will enhance the general welfare of the Alameda community.
3. **The amendments are equitable.** The proposed amendment is equitable in that it allows flexibility of open space design for all residential development subject to Design Review approval. The amendment matches the same open space requirements currently implemented in the North Park Street District. The proposed deletion of utility requirements for multiple houses is equitable because no other housing type are subject to the same strict requirements in Alameda.

4. **The amendments are exempt from the California Environmental Quality Act.** The proposed amendment is exempt from the California Environmental Quality Act pursuant to CEQA guidelines sections 15061(b)(3), where it can be seen with certainty that the proposed zoning text amendments will not have a significant effect on the environment, and 15183, projects consistent with a community plan, general plan or zoning.

Section 2. Subsection d. of Section 30-4.2 – R-2, Two-Family Residence District shall be amended as follows:

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

1. Lot Area: Not less than five thousand (5,000) square feet in all lots recorded on and after the effective date of this article, August 1, 1958. However, regardless of date of recordation, there shall be not less than two thousand (2,000) square feet of lot area for each dwelling unit, except in the case of multiple house where there shall be not less than two thousand five hundred (2,500) square feet of lot area for each dwelling unit.
2. Lot Width: Not less than fifty (50') feet on all lots recorded on and after the effective date of this article, August 1, 1958.
3. Maximum Main Building Coverage: Forty-five (45%) percent of lot area; provided, however, when the accessory garage structure is attached to the main building, the permitted lot coverage may be increased to fifty-three (53%) percent.
4. Building Height Limit: Not to exceed thirty (30') feet.
5. Front Yard: Twenty (20') feet. In any full block frontage of lots in a new residential development the Planning Board may approve front yards which vary from fifteen (15') to thirty (30') feet, provided that the average of all front yards in the block shall not be less than twenty (20') feet.
6. Side Yard: Side yards shall total not less than twenty (20%) percent of the lot width as measured at the front yard (as defined in Section 30-2—Definitions), and no side yard may either be less than five (5') feet or be required to be more than ten (10') feet. The side yard on the street side of a corner lot shall not be less than ten (10') feet.
7. Rear Yard: Twenty (20') feet. Not more than forty (40%) percent of the rear yard, as defined in Section 30-2, may be occupied by accessory buildings or structures (swimming pools excepted).

8. Yards for Corner Lot Adjacent to Key Lot: The side-yard setback on the street side of the corner lot, within twenty (20') feet of the side property line of the key lot, shall be equal to the front-yard of the key lot, as defined in Section 30-2, "Yard, front," and no structure, excluding barriers, may be permitted within five (5') feet of the rear property line on the corner lot.

9. Usable Open Space Requirements: ~~Usable open space is comprised of private open space and common open space as defined in subsection (Section 30-5.12): The following are the minimum open space requirements: a minimum six hundred (600) square feet of usable open space per dwelling unit, with a minimum of one hundred twenty (120) square feet of private open space per ground level dwelling unit; with a minimum of sixty (60) square feet of private open space per non-ground level dwelling unit; with a minimum of one hundred fifty (150) square feet of common open space per dwelling unit. There shall be not less than three hundred (300) square feet of common open space per lot.~~

10. Off-Street Parking Space: As regulated in Section 30-7.

Section 3. Subsection d. of Section 30-4.3 – R-3, Garden Residential District shall be amended as follows:

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

1. Lot Area: Not less than five thousand (5,000) square feet in all lots recorded on and after the effective date of this article, August 1, 1958. However, regardless of date of recordation, there shall be not less than two thousand (2,000) square feet of lot area for each dwelling unit.

2. Lot Width: Not less than fifty (50') feet on all lots recorded on and after the effective date of this article August 1, 1958.

3. Maximum Main Building Coverage: Forty (40%) percent of lot area.

4. Building Height Limit: Not to exceed thirty-five (35') feet.

5. Front Yard: Twenty (20') feet.

6. Side Yard: Side yards shall total not less than twenty (20%) percent of the lot width as measured at the front yard (as defined in Section 30-2—Definitions), and no side yard may either be less than five (5') feet or be required to be more than ten (10') feet. The side yard on the street side of a corner lot shall not be less than ten (10') feet.

7. Rear Yard: Twenty (20') feet. Not more than forty (40%) percent of the rear yard, as defined in Section 30-2 may be occupied by accessory buildings or structures (swimming pools excepted).

8. Distances Between Main Buildings on Same Lot: Twenty (20') feet.

9. Yards for Corner Lot Adjacent to Key Lot: The side-yard setback on the street side of the corner lot, within twenty (20') feet of the side property line of the key lot, shall be equal to the front-yard of the key lot, as defined in Section 30-2, "Yard, front", and no structure, excluding barriers, may be permitted within five (5') feet of the rear property line on the corner lot.

10. Usable Open Space Requirements: ~~Usable open space is comprised of private open space and common open space as defined in subsection (Section 30-5.12). The following are the minimum open space requirements: a minimum five hundred (500) square feet of usable open space per dwelling unit, with a minimum of one hundred twenty (120) square feet of private open space per ground level dwelling unit; with a minimum of sixty (60) square feet of private open space per non-ground level dwelling unit; with a minimum of one hundred twenty (120) square feet of common open space per dwelling unit. There shall be not less than three hundred (300) square feet of common open space per lot.~~

11. Off-Street Parking Space: As regulated in Section 30-7.

Section 4. Subsection d. of Section 30-4.4 – R-4, Neighborhood Residential District shall be amended as follows:

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

1. Lot Area: Not less than five thousand (5,000) square feet in all lots recorded on and after the effective date of this article, August 1, 1958. However, regardless of date of recordation, there shall be not less than two thousand (2,000) square feet of lot area for each dwelling unit.

2. Lot Width: Not less than fifty (50') feet on all lots recorded on and after the effective date of this article, August 1, 1958.

3. Maximum Main Building Coverage: Fifty (50%) percent of lot area.

4. Building Height Limit: Not to exceed thirty-five (35') feet.

5. Front Yard: Twenty (20') feet.

6. Side Yard: Side yards shall total not less than twenty (20%) percent of the lot width as measured at the front yard (as defined in Section 30-2—Definitions), and no

side yard may either be less than five (5') feet or be required to be more than ten (10') feet. The side yard on the street side of a corner lot shall not be less than ten (10') feet.

7. Rear Yard. Twenty (20') feet. Not more than forty (40%) percent of the rear yard, as defined in Section 30-2, may be occupied by accessory buildings or structures (swimming pools excepted).

8. Distances Between Main Buildings on Same Lot: Twenty (20') feet.

9. Yards for Corner Lot Adjacent to Key Lot: The side-yard setback on the street side of the corner lot, within twenty (20') feet of the side property line of the key lot, shall be equal to the front-yard of the key lot, as defined in Section 30-2, "Yard, front," and no structure, excluding barriers, may be permitted within five (5') feet of the rear property line on the corner lot.

~~10. Usable Open Space Requirements: Usable open space is comprised of private open space and common open space as defined in subsection (Section 30-5.12). The following are the minimum open space requirements: A minimum four hundred (400) square feet of usable open space per dwelling unit, with a minimum of one hundred twenty (120) square feet of private open space per ground level dwelling unit; with a minimum of sixty (60) square feet of private open space per non-ground level dwelling unit; with a minimum of ninety (90) square feet of common open space per dwelling unit. There shall be not less than three hundred (300) square feet of common open space per lot.~~

11. Off-Street Parking Space: As regulated in Section 30-7.

Section 5. Subsection d. of Section 30-4.5 – R-5, General Residential District shall be amended as follows:

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

1. Lot Area: Not less than five thousand (5,000) square feet, in all lots recorded on and after the effective date of this article, August 1, 1958. However, regardless of date of recordation, there shall be not less than two thousand (2,000) square feet of lot area for each dwelling unit.

2. Lot Width: Not less than fifty (50') feet on all lots recorded on and after the effective date of this article, August 1, 1958.

3. Maximum Main Building Coverage: Fifty (50%) percent of lot area.

4. Building Height Limit: Not to exceed forty (40') feet.

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5. Front Yard: Twenty (20') feet.
6. Side Yard. Side yards shall total not less than twenty (20%) percent of the lot width as measured at the front yard (as defined in Section 30-2—Definitions), and no side yard may either be less than five (5') feet or be required to be more than ten (10') feet. The side yard on the street side of a corner lot shall not be less than ten (10') feet.
7. Rear Yard: Twenty (20') feet. Not more than forty (40%) percent of the rear yard, as defined in Section 30-2, may be occupied by accessory buildings or structures (swimming pools excepted).
8. Distances between Main Buildings on Same Lot: Twenty (20') feet.
9. Yards for Comer Lot Adjacent to Key Lot: The side-yard setback on the street side of the corner lot, within twenty (20') feet of the side property line of the key lot, shall be equal to the front-yard of the key lot, as defined in Section 30-2, "Yard, front," and no structure, excluding barriers, may be permitted within five (5') feet of the rear property line on the corner lot.
10. ~~Usable Open Space Requirements: Usable open space is comprised of private open space and common open space as defined in subsection (Section 30-5.12). The following are the minimum open space requirements: a minimum two hundred (200) square feet of usable open space per dwelling unit, with a minimum of one hundred twenty (120) square feet of private open space per ground level dwelling unit; with a minimum of sixty (60) square feet of private open space per non-ground level dwelling unit; with a minimum of sixty (60) square feet of common open space per dwelling unit. There shall be not less than three hundred (300) square feet of common open space per lot.~~
11. Off-Street Parking and Loading Space: As regulated in Section 30-7.

Section 6. Subsection d. of Section 30-4.6 – R-6, Hotel Residential District shall be amended as follows:

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

1. Lot Area: Not less than five thousand (5,000) square feet in all lots recorded on and after the effective date of this article, August 1, 1958. However, regardless of date of recordation, there shall be not less than two thousand (2,000) square feet of lot area for each dwelling unit.
2. Lot Width: Not less than fifty (50') feet on all lots recorded on and after the effective date of this article, August 1, 1958.

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3. Maximum Main Building Coverage: Sixty (60%) percent of lot area.
4. Building Height Limit: Not to exceed fifty (50') feet.
5. Front Yard: Twenty (20') feet.
6. Side Yard. Side yards shall total not less than twenty (20%) percent of the lot width as measured at the front yard (as defined in Section 30-2—Definitions), and no side yard may either be less than five (5') feet or be required to be more than ten (10') feet. The side yard on the street side of a corner lot shall not be less than ten (10') feet.
7. Rear Yard: Twenty (20') feet. Nor more than forty (40%) percent of the rear yard, as defined in Section 30-2, may be occupied by accessory buildings or structures (swimming pools excepted).
8. Distances Between Main Buildings on Same Lot: Same as required in R-5 Districts.
9. Yards for Corner Lot Adjacent to Key Lot: The side-yard setback on the street side of the corner lot, within twenty (20') feet of the side property line of the key lot, shall be equal to the front-yard of the key lot, as defined in Section 30-2, "Yard, front," and no structure, excluding barriers, may be permitted within five (5') feet of the rear property line on the corner lot.
10. ~~Usable Open Space Requirements: Usable open space is comprised of private open space and common open space as defined in subsection (Section 30-5.12). The following are the minimum open space requirements: a minimum one hundred twenty (120) square feet of usable open space per dwelling unit, with a minimum of one hundred twenty (120) square feet of private open space per ground level dwelling unit; with a minimum of sixty (60) square feet of private open space per non-ground level dwelling unit; with a minimum of thirty (30) square feet of common open space per dwelling unit. There shall be not less than three hundred (300) square feet of common open space per lot.~~
11. Off-Street Parking and Loading Space: As regulated in Section 30-7.

Section 7. Section 30-5.12 – Definition of Required Open Space shall be amended as follows:

30-5.12 - ~~Definition of Required~~ Residential Open Space.

Usable open space is comprised of private open space and common open space. Usable open space is that area of a building site which is landscaped or otherwise

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developed and maintained for recreation or outdoor living by the occupants. Usable open space shall not include yards or other areas having a width of less than eight (8') feet, except for balconies which may have a minimum horizontal dimension of five (5') feet, or areas devoted to automobile access or storage. The following areas shall constitute usable open space as required in this Article by subsections ~~30-4.2(d)(9), 30-4.3(d)(10), 30-4.4(d)(10), 30-4.5(d)(10), and 30-4.6(d)(10).~~

- a. ~~Common Open Space.~~ Common open space consisting of a pPorch, patio, court or other outdoor living area which has common access from more than one (1) dwelling unit and which has a minimum area of three hundred (300) square feet and a minimum horizontal dimension of fifteen (15') feet. Common open space may include structures defined as patio covers in Section 30-2 (Definitions) provided that they are accessory to common open space as herein defined. Common open space may not include required front yards.
- b. ~~Private Open Space.~~ Private open space shall be accessible from only one (1) unit. Private open space shall not be within five (5') feet of a side lot line or ten (10') feet of a rear lot line. Private open space in the required front yard may not extend more than one-half ( $\frac{1}{2}$ ) the depth of the required front yard nor across more than one-half ( $\frac{1}{2}$ ) of the frontage of the building. Any private open space developed in the required front yard shall be enclosed by a perimeter wall or fence not to exceed three (3') feet in height unless the wall or fence complies with Section 30-5.14(b)(8) in which case it may not exceed four (4') feet in height. The following will qualify as private open space:
  - 1.~~b.~~ Private balcony attached to a dwelling unit with an area of at least sixty (60) square feet and a minimum horizontal dimension of five (5') feet, provided such balcony is unenclosed on at least two-thirds ( $\frac{2}{3}$ ) of its perimeter except for required railings. A balcony which is used for access to a dwelling unit does not qualify for private open space.
  - 2.~~c.~~ Porch, deck, patio, or court on ground level accessible from only one (1) unit with a minimum area of one hundred twenty (120) square feet, and a minimum horizontal dimension of ten (10') feet, and is unenclosed for at least two-thirds ( $\frac{2}{3}$ ) of its perimeter except for screen fencing not more than six (6') feet high if not in the front yard.
  - 3.~~d.~~ Roof deck with an area of not less than one hundred twenty (120) square feet and a minimum horizontal dimension of ten (10') feet. Any such roof deck shall have a six (6') foot high wall or screen on at least two-thirds ( $\frac{2}{3}$ ) of its perimeter located to provide protection from the wind.
- c. ~~Exemption to Allow Redistribution of Private and Common Open Space.~~ In exception to the common and private open space provisions of this section, residential development subject to open space standards of this section may be approved with more or less private or common open space provided the following findings can be made as part of design review: 1) the design meets the amount of total useable open space required, 2) the combination of private

~~open space and common open space provides a better open space plan for the residents of the site and/or a better architectural design for the building, and 3) the open space plan includes provisions for long-term maintenance and upkeep of the open space, including but not limited to, a maintenance agreement, service contract or other guarantee.~~

The Planning Board may consider provision of off-site open space in lieu of onsite open space provided that the Planning Board is able to find that the off-site open space: 1) will be provided concurrent with the development, 2) is located within a two (2) block radius of the residential development; and 3) will benefit a greater number of people than open space provided on site.

Section 8. Section 30-5.13 – Multiple Houses shall be amended as follows:

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

- ~~a. *Utilities.* Each dwelling unit of a multiple house shall have separate utility meters, excluding water, with individual shut-off valves for all utilities. The meters and shut-offs shall be so located that each can be reached without entry into the individual unit.~~
- ~~b. *Laundry Unit.* Each dwelling unit in a multiple house shall have a space and connections for the installation and operation of laundry equipment for the private use of the occupants of that unit.~~
- ~~c. At least one hundred (100) cubic feet for each unit and an additional fifty (50) cubic feet for each bedroom of enclosed, weatherproof, lockable storage space shall be provided for each dwelling unit. Such storage space shall be in addition to that ordinarily contained within a unit as cabinets, pantries, and clothes closets. Such storage may be located in or separated from dwelling unit.~~
- ~~d. No occupancy permit for a multiple house may issue unless the association or corporation has filed with the City Building Official the name, address and telephone number of the person or company to be contacted regarding any building, health or this code violations. If that person or company changes, the change shall be reported within ten (10) days.~~

Section 9. CEQA Determination. Adoption of this Ordinance is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines sections 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) and 15183 (projects consistent with a community plan, general plan, or zoning), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance.

Section 10. 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 11. 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 12. 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 13. Authority. This Ordinance is enacted pursuant to the City of Alameda's general police powers and Article XI of the California Constitution.

\_\_\_\_\_  
Presiding Officer of the City Council

Attest:

\_\_\_\_\_  
Lara Weisiger, City Clerk

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a continued regular meeting assembled on the      day of      , 2021 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      , 2021.

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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