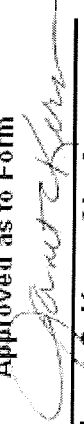


CITY OF ALAMEDA ORDINANCE No. _____
New Series

Approved as to Form

Janet C. Kern, City Attorney

AMENDING VARIOUS SECTIONS OF THE ALAMEDA MUNICIPAL CODE CONTAINED IN CHAPTER XXX (DEVELOPMENT REGULATIONS) RELATED TO THE NORTH PARK STREET PLANNING AREA

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 and zoning map amendments are necessary to guide future development of the subject planning area consistent with General Plan land use policies and the Alameda Municipal Code, which has not been updated for this area since adoption of the 1990 General Plan. The amendments will help achieve General Plan policies and objectives for revitalization of the areas, expanded retail opportunities, neighborhood preservation, and business retention.
2. The amendments will support the general welfare of the community. The proposed zoning text amendment will support the general welfare of the community by establishing clear standards and ample opportunities for a variety of commercial, residential and mixed use development on underutilized sites and the necessary protections for existing land uses.
3. The amendments are equitable. The proposed zoning amendment is equitable in that it establishes appropriate processes and procedures for the review of future development proposals and appropriate oversight of development.

Section 1. Section 30-2 Definitions shall be amended to include the following definitions:

Artist's Studio shall mean an establishment or work space for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft. An establishment for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leather craft, hand-woven articles, and related items.

Artist's Studio Industrial shall mean an establishment or work space for artists, crafts person or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft primarily for the preparation, display, and sale of individually crafted

large scale objects, artwork, sculpture, ceramics, or product that require the use of heavy machinery, large scale ovens or kilns, or hazardous materials.

Art Gallery shall mean an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

Building Width shall mean the total width of the primary building facade fronting on a street. For corner parcels, maximum building length standards apply to both front and side facades.

Conference Center shall mean a facility designed to accommodate conventions, conferences, seminars, and or entertainment activities.

Community Garden shall mean a private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

Drive Up Kiosk Window shall mean a small building or kiosk with a window or opening through which occupants of a motor vehicle receives or obtains a product or service.

Health Clinic shall mean a facility whether public or private principally engaged in providing services for health maintenance, diagnosis, or treatment of human diseases, pain, or injury.

Industrial, Light shall mean an establishment or activity conducted primarily within an enclosed building that includes research and development, manufacture, fabrication, or processing of any article, substance, or commodity and includes storage areas, truck access and loading areas, warehouses, and other similar activities and facilities that do not produce off-site external effects such as smoke, noise, odor, vibration.

Industrial, Heavy shall mean an establishment or activity that includes research and development, manufacture, fabrication, or processing of any article, substance, or commodity and includes storage areas, truck access and loading areas, warehouses, and other similar activities and facilities that may produce off-site external effects such as smoke, noise, odor, vibration.

Funeral Home shall mean a facility for human funeral services and the display of the deceased and rituals connected therewith before burial or cremation.

Mortuary shall mean a facility for the storage and preparation of the human dead for burial or cremation. A mortuary may include funeral homes.

Maritime Workplace shall mean an establishment or activity required for the support of, or commonly associated with, the construction, repair, operation, storage, loading, and unloading of boats, waterfront dock and port facilities, marinas, navigational aids, boat fuel and equipment supply, ground level parking incidental to such uses, and other activities the primary purpose of which is to facilitate maritime activity and trade.

Museum shall mean an establishment or activity serving as a repository for a collection of natural, scientific, historical, or literary objects, and works of art arranged, intended and designed to be used by members of the public for viewing with or without admission charge.

Utilities, Large shall mean facilities and infrastructure for the delivery of energy, water, sewer, gas, and communications to a the city, such as 115 kv power transmission lines, electrical substations and power plants, wastewater treatment facilities .

Utilities, Small shall mean facilities and infrastructure for the delivery of energy, water, sewer, gas, and communications to a the block, neighborhood, or district, such as wastewater pump stations, hydrants, switching boxes, transformers, and other facilities and structures typically located in the public right of way.

Section 2. Section 30-3.1 Designation of Zoning Districts shall be amended to include:

NP-G	North Park Street Gateway
NP-W	North Park Street Workplace
NP-MU	North Park Street Mixed Use
NP-M	North Park Street Maritime

Section 3. Section 30-4 District Uses and Regulations shall be amended to by adding a new subsection 30-4.25 (North Park Street District) as shown in Exhibit 1.a.

Section 4. The Citywide Zoning Map shall be amended to change the zoning designations for the North Park Street District parcels as shown in Exhibit 1-b .

Section 5. Section 30-15.14 shall be amended to include new section “ i “ to read as follows:

- i. *Screening:* All exterior storage on the property shall be screened from view by a wall or other approved screening material, rising two (2) feet above the stored goods; provided, that no such screen or wall shall exceed ten (10) feet. All storage areas shall be surfaced to provide a durable and dust-free surface and properly graded so as to dispose of all surface water. When feasible, outdoor storage areas should be located at the rear of the property. For walls or fences located next to street right-of-way, landscaping shall be located in front of the fence or wall. All off-street parking and truck loading areas must be screened from view of any public right of way by a low wall or landscaping screen.

Section 6. Section 30-5 shall be amended to include new section “30-5.16” to read as follows:

30-5.16 Performance Standards for New Buildings and Uses

- a. *Wood Burning Fireplaces and Stoves.* To reduce greenhouse gas emissions and minimize air quality impacts, wood-burning stoves and fireplaces are prohibited in new residential construction.
- b. *Vibrations:* No vibration shall be permitted which is discernible without instruments at any property line.

- c. *Glare or heat*: No heat or direct or sky-reflected glare, whether from floodlights, or high-temperature processes such as combustion or welding or otherwise, shall emanate from any use so as to be visible or discernible from the property line. Legal signs are exempted from this provision.
- d. *Fissionable or radioactive material*: No activity shall be permitted which utilizes, produces, removes or reprocesses fissionable or radioactive material unless a license, permit or other authority is secured from the state or federal agency exercising control. In all matters relative to such activities, it shall be the responsibility of the user to ascertain and identify the responsible agencies and notify the Community Development Department as to the agencies involved and the status of the required permits.
- e. *Maintenance*: Each person, company or corporation utilizing a lot shall at all times maintain such lot in good order. This shall include repair and maintenance of all structures, fences, signs, walks, driveways, landscaping, necessary to preserve property values and public health, welfare, and safety.
- f. *Exterior lighting*: *Onsite* exterior lighting shall be diffused and/or concealed in order to prevent illumination of adjoining properties or the creation of objectionable visual impacts on other properties or streets.

Section 7. Sections 30-4.8 shall be amended to delete “ (j) Grocery Stores” from subsection b. Uses Permitted and amended to add new subsection “(f) Grocery Stores” after “(e) Convenience food stores” and before “(f) Liquor Stores”.

Section 8. Section 30-4.9 c. Uses Requiring Use Permits subsection “12.” Shall be amended to read as follows: “ 12. ~~These portions of grocery stores devoted to the sale of alcoholic beverages.~~”

Section 9. Section 30-4.9A subsection b shall be amended to delete “(aa) Grocery Stores) and amended to add new subsection “(q) Grocery Stores” after existing section (p) Convenience Store.

Section 10. Section 30-4.10 subsection c. shall be amended to include new subsection “13. Grocery Stores” between existing sections 12. Liquor Stores and existing section 13. Convenience Stores

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 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. The above amendments shall be known as and referenced to as Rezoning Amendments No. ____ to Ordinance No. 1277, N.S.

Presiding Officer of the Council

Attest:

Lara Weisiger, City Clerk

* * * * *

Exhibit 1 a. Section 30-4.25 North Park Street District

a. Purpose: This section of the *Alameda Municipal Code (AMC)* provides regulations and standards to facilitate and guide future development within the North Park Street District consistent with the City of Alameda General Plan, the Economic Development Strategic Plan, and the Gateway District Strategic Plan. The regulations within this section are intended to:

- i. Guide desirable re-investment in the district consistent with General Plan policies and the Gateway District Strategic Plan goals for development and land uses that support a pedestrian friendly, transit oriented mixed use district.
- ii. Remedy the "auto-row" physical characteristics of the district, while allowing new larger scale commercial and employment uses that provide goods, services, and/or employment opportunities in Alameda.
- iii. Provide form based regulations and guidelines for site development and building design to facilitate development that supports Alameda's unique character and encourages innovative design that supports an attractive, pedestrian friendly district.
- iv. Maintain maritime, light industrial, manufacturing, distribution, and work place uses where they have access to the estuary and City's designated truck routes.
- v. Retain mixed use areas that have historically provided a transition between residential areas and adjacent industrial and commercial mixed-use districts.

b. Applicability: The regulations in this section are applicable to all properties within the North Park Street District (District). Standards in the *AMC* not covered by this section shall remain applicable to the North Park Street Zoning District. When the content of this section conflicts with the *AMC*, this section shall govern. For each district zone, a common set of site development regulations and use regulations are provided to ensure complementary land uses and a consistent physical form. All improvements requiring building permits shall be subject to the requirements of Section 30-36 through 37 Design Review and the site Building Form development requirements of Table A. (Building form and Site Design Standards). All design review applications shall be reviewed for conformance with the regulations of this Section and the applicable sections of the Citywide Design Review Manual.

c. Sub-district Descriptions. The North Park Street District is comprised of five sub-districts each with its own purpose, development standards, and permissible uses.

- i. The North Park Street Gateway sub district (G-NP) is a significant gateway to the City of Alameda. The intent of the NP-G sub district is to guide the redevelopment of the Park Street commercial area with attractive buildings located near the sidewalk with a mix of commercial workplace, retail, and compatible residential uses that support a pedestrian and transit friendly environment.
- ii. The North Park Street Maritime Manufacturing (MM-NP) sub district preserves lands for maritime, light industrial and larger scale commercial and office employment uses.
- iii. The North Park Street Workplace sub district (W-NP) provides lands for a mix of

workplace, commercial, light industrial and manufacturing uses adjacent to the Clement and Blanding Avenue truck routes. The sub-district regulations permit a range of site and building types for employment uses.

- iv. The North Park Street Mixed Use sub district (MU-NP) establishes regulations for mixed-use areas with commercial and residential uses. The sub-district regulations maintain a residential building type for the sub-area, while allowing a greater mix of office, commercial, and residential uses.
- v. The North Park Street Residential sub district (R-NP) provides lands for residential uses within a district of residential building types. Sub-district regulations maintain and support a distinctive residential character in use and building type.

d. Building Form and Site Design Requirements

- i. Table A – *Building Form and Site Design Standards* identifies the building form and site design requirements permitted (P) or not permitted (-), within each sub-district. Variances from this Section shall be subject to the requirements and findings of Section 30-21 of the AMC.

Table A. Building Form and Site Design Standards

	Gateway (G-NP)	Maritime Manufacturing (MM-NP)	Workplace (NP-W-NP)	Mixed Use (MU-NP)	Residential (R-NP)
Building Types (See Design Review Manual for guidelines for building types)					
Commercial Block	P	P	P	-	-
Workplace	P	P	P	-	-
Parking Structure	P	P	-	-	-
Work-Live	P	P	P	P	-
Stacked Flat	-	-	-	P	-
Multiplex	-	-	-	P	-
Row house	-	-	-	P	P
Courtyard Housing	-	-	-	P	P
Single Family Detached	-	-	-	P	P
Adaptive Reuse of Existing Buildings	P	P	P	P	P
Frontage Types (See Design Review Manual for guidelines for frontage types)					
Storefront	P	P	P	-	-
Formal Entry	P	P	P	P	-
Forecourt	-	P	P	P	P
Stoop	-	-	-	P	P
Front yard	-	-	-	P	P
Building Width (max)	200 ft.	200 ft.	160 ft.	52 ft.	52 ft.
Building Placement					
Front Setback	0 max.	0 min.	0min	10 min-30	15 min-

	Gateway (G-NP)	Maritime Manufacturing (MM-NP)	Workplace (NP-W-NP)	Mixed Use (MU-NP)	Residential (R-NP)
				max	20 max
Side Street Setback	0-15	0-20	0-20	10	10
Side Setback	0	N/a	0	5	5
Rear Setback	0	0	0	20	20
Alley Setback (min)	0	0-5	0	10	10
Paseo Courtyard Setback	0	0	0	10	10
Building Separation	0	0	0	5	8
Main Building Height	20 min-60 max	50 max	40 max	35 max	30 max

ii. Additional Building Form and Site Design Requirements to Support Alternative Modes of Transportation

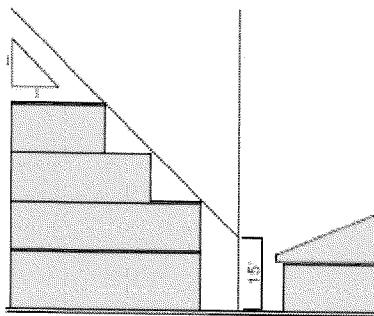
- a. *Site Plans*: Site plans shall encourage and support pedestrian, bicycle, and transit access by including facilities such as bicycle racks, pedestrian pathways through parking areas, pedestrian lighting, sidewalks, and street trees.
- b. *Building Orientation*: All new buildings shall be oriented toward the adjacent public right of way (i.e., public street or public park) and shall provide a main public entrance with direct access to the public right of way. Exceptions may be granted for residential buildings if the finding can be made that the proposed design is appropriate for the site and the elevation fronting onto the public right of way is generally consistent with the Design Review Manual for the applicable building type.
- c. *Frontage Coverage*: In the Gateway sub district, a minimum of 85% of the area between the side property lines must be occupied by building mass, plazas, or paseos along the primary street frontage.
- d. *Service Orientation*: Public and commercial service facilities such as Automated Teller Machines shall also be located adjacent to the public right of way.
- e. *Window Design*: Within the Gateway sub district, new buildings shall include windows along the public right of way that provide an unobstructed view into the building for a distance of at least 5 feet.

iii. Setbacks:

- a. *Front*: Where a range is permitted by Table A, new buildings shall be aligned with the front setback of buildings on the abutting parcels to

maintain and support the "street wall" character of the block face.

- a. *Side*: In the Mixed Use and Residential sub districts, side setback may be reduced to less than 5 feet provided that side setback is at least 10% of parcel width. In the Gateway and Workplace sub districts a five-foot setback shall be provided in all cases when the property line abuts a Residential or Mixed Use sub district property line.
 - b. *Side Street on Corner Parcels*: Within the Gateway sub district, buildings shall be built to the side street right-of-way line for a minimum distance of 20 feet from the corner. Portions of the building beyond 20 feet may be set back up to 15 feet for outdoor seating or other public spaces.
 - c. *Rear*: In the Gateway and Workplace sub districts, a 5 foot rear setback shall be provided if the rear property line abuts a Residential or Mixed Use district. In the Mixed Use and Residential Districts, the required rear yard setback may be reduced to 5 feet if the rear property line abuts a Workplace or Gateway sub district and provided that the proposed site plan provides the required useable open space and off-street parking requirements.
- iv. ***Park Street Building Heights: New buildings over 50 feet in height shall not be approved unless it may be determined by the Planning Board, or by the City Council upon appeal, that the building is consistent with the Design Review Manual special design guidelines for tall buildings on Park Street.***
- v. *Building Height Exceptions*: Corner towers and similar architectural design elements may exceed the maximum building height limit subject to Design Review approval provided that the all habitable areas and storage areas are within the maximum building height limit. Accessory buildings shall not exceed height of the primary building. When adjacent to a one or two story residential building on an abutting parcel, building height for both primary and accessory buildings shall be limited by a 45-degree 'relational' line originating at a height of 15 feet along the property line.



- vi. *Off-Street Parking and Loading Requirements*: Off street parking shall be provided in accordance with provisions and requirements of Section 30-7 Off Street Parking and Loading. Properties within the Gateway sub district shall be subject to the parking requirements for the Community Commercial District.

When a surface parking area in the Gateway sub district abuts a surface parking lot on an adjacent parcel with a retail or service use within the Gateway or Mixed Use sub districts, access shall be provided between the adjacent parking lots, unless the Planning Board finds that access between the lots significantly degrades parking opportunities in the area or is not appropriate given unique conditions that exist on one or both of the adjacent parcels.

- vii. *Maximum Residential Density:* The maximum density for any residential development within the North Park Street District shall be one (1) housing unit per 2,000 square feet of land.
- viii. *Residential Open Space Requirements:* Usable open space is comprised of private open space and common open space as defined in Section 30-5.12. Dwelling units in Commercial Block and Stacked Flats building types shall provide a minimum of 40 square feet of usable open space per dwelling unit. Units in Work-Live and Multiplex shall provide a minimum of 120 square feet of useable open space. Courtyard units shall provide a minimum of 140 square feet of usable open space. Row houses shall provide a minimum of 240 square feet of usable open space. 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.

e. Use Regulations

- i. *Table B – Allowed Land Uses* indicates the land uses that are permitted “by right” (P), by conditional use permit (C), or not permitted (-), within each Sub-district. Uses permitted on the upper floor by right and on the ground floor with a conditional use permit are indicated by “P upper/C lower”.

Table B: Allowed Land Uses

Residential , Open Space, and Lodging

Use	Gateway	Maritime Manufacturing	Workplace	Mixed Use	Residential
Dwelling unit upper floor	P	-	C	P	P
Dwelling unit ground floor	-	-	-	P	P
Bed & Breakfast	-	-	C	P	C
Hotels	P	-	C	-	-
Community Garden	-	-	C	P	P
Parks/playground	-	-	-	P	P

Office and Work Live

Use	Gateway	Maritime Manufacturing	Workplace	Mixed Use	Residential
Office, business and professional	P upper/C lower	P	P	P	-
Artist Studio	P/C	C	P	P	
Artist Studio Industrial	C	P	C	-	-
Work/Live	C	-	C	C	-

Retail

Use	Gateway	Maritime Manufacturing	Workplace	Mixed Use	Residential
Large Format Retail	C	-	C	-	-
Retail	P	-	C	-	-
Grocery Store	C	-	C		
Convenience Store	C	-	C	C	-
Art Gallery or Museum	P	P	P	P	-
Restaurant/Café	P	-	P	C	-
Bars/Tavern	C	-	C	-	-
Banks/Financial	P	-	C	-	-
Personal Services, such as salons, gyms, yoga, and similar activities	P upper/C lower	-	P	-	-
Alcohol Sales for off-site consumption	C	-	C	-	-
Outdoor dining/entertainment/farmers market	C	-	C	-	-
Drive Up Kiosk	-	-	C	-	-

Institutional and Service

Use	Gateway	Maritime Manufacturing	Workplace	Mixed Use	Residential
Conference Center	P	-	P	-	-
Library	C	-	P	C	C
Theater and Entertainment	C	-	C	-	-
Religious Assembly	-	-	-	C	C
Health Clinic	C	-	C	C	-
Veterinary Clinic	C	C	P	C	-
Police/Fire Station	-	-	C	C	C
Funeral Home	-	C	C	-	-
Mortuary	-	C	C	-	-
College	-	-	C	-	-
School	-	-	C	C	-
Day Care Center	-	-	C	C	C
Family Day Care Small	-	-	C	P	P
Family Day Care Large	-	-	C	P	C

Automotive

Use	Gateway	Maritime Manufacturing	Workplace	Mixed Use	Residential
Auto Sales	C	-	P	-	-
Auto repair/towing/service	C	C	P	-	-
Service Station	C	C	C	-	-
Parking garage and lots	C	C	C	C	-
Car Wash	-	C	C	-	-

Marine

Use	Gateway	Maritime Manufacturing	Workplace	Mixed Use	Residential
Maritime Workplace	-	P	P	-	-
Marine Fuel Sales	-	C	-	-	-
Boat and boat accessories Sales, includes boat related accessories sales	-	P	P	-	-
Commercial Marina	-	C	-	-	-
Dry Boat Storage	-	C	-	-	-

Industrial

Use	Gateway	Maritime	Workplace	Mixed Use	Residential
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		Manufacturing			
Industrial, Heavy	-	C	-	-	-
Industrial, Light	C	P	P	-	-
Utilities, Large	-	P	C	-	-
Utilities Small	P	P	P	P	P
Outdoor Storage	-	C	C	-	-

- ii. Conditional use permits may be granted pursuant to the procedures and standards of *Section 30-21.3 and .4.*
- iii. If a proposed use is not listed in *Table B - Allowed Land Uses* as a permitted or conditionally permitted use it shall not be permitted unless the Community Development Director or the Planning Board determines that the proposed use is substantially similar to a use specified as a permitted or conditional use in that Sub-district. Such determination shall not permit the establishment of any use that would be inconsistent with the statement of purpose of the Sub-district in question, and no interpretation shall have the effect of amending, abrogating, or waiving any other standard or requirement established in these regulations. In no case shall this provision be interpreted to permit check cashing businesses, tattoo parlors on the ground floor, gun and firearm sales, or tobacco and tobacco product stores except the sale of tobacco and tobacco products is allowed as accessory to other permitted or conditionally permitted uses.
- iv. Accessory uses customarily incidental to any of the above permitted uses when on the same lot are permitted. Accessory uses customarily incidental to any of the above conditional uses when located on the same lot are conditionally permitted with the granting of a Use Permit pursuant to *AMC, Section 30-21.3 or .4.*
- v. *Work Live uses are shall be consistent with Section 30-15, except that in the North Park Street District, work live units may be allowed in new buildings consistent with the Work Live Work type described in the Design Review Manual. Properties with the Multi-family Overlay zoning designation and projects that are eligible for Density Bonus waivers pursuant to Section 30-17 may include Work Live that are not consistent with the requirements of Section 30-15.*

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 this 7th day of May, 2013 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 8th day of May, 2013.

Lara Weisiger, City Clerk
City of Alameda