

CITY OF ALAMEDA ORDINANCE No.3025

New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY AMENDING SUB-SECTION 30-4.9A (C-C, COMMUNITY COMMERCIAL ZONE) OF SECTION 30-4 (DISTRICT USES AND REGULATIONS) OF CHAPTER XXX (DEVELOPMENT REGULATIONS ARTICLE I. ZONING DISTRICTS AND REGULATIONS)

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

Findings.

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

1. The amendments maintain the integrity of the General Plan. The proposed zoning text amendments are necessary to ensure that appropriate uses can be permitted or conditionally permitted within the main street commercial areas of Alameda. The proposed amendments support the vital mixed use, pedestrian oriented shopping districts that are envisioned in the General Plan.
2. The amendments will support the general welfare of the community. The proposed zoning text amendment will not negatively affect the general welfare of the community. The amendments provide equal opportunities for different types of uses in both the Webster Street and Park Street shopping districts.
3. The amendments are equitable. The proposed zoning amendment is equitable in that it provides comparable lists of uses and development standards for both the Webster Street and Park Street shopping districts.

Section 1. Section 30-4.9A subsection b. Uses Permitted of the Alameda Municipal Code is hereby amended to read as follows:

- b. Uses Permitted.
 1. The following retail sales and services are permitted in the C-C District:
 - (a) Antiques and collectibles,
 - (b) Appliances, large and small,
 - (c) Art gallery,
 - (d) Arts and crafts supplies,
 - (e) Arts and crafts store,
 - (f) Bakery, including use of the commercial kitchen for catering as an accessory use,
 - (g) Bank, saving and loan, including ATM facilities but excluding drive-through facilities,

Approved as to Form
City Attorney

- (h) Bicycle store,
- (i) Blueprint shop,
- (j) Books, periodicals, and comics, including reading rooms,
- (k) Camera store,
- (l) Candy store,
- (m) Clock or watch store,
- (n) Clothing store, new inventory only,
- (o) Coffee house, including retail,
- (p) Coin store,
- (q) Computer store,
- (r) Delicatessen,
- (s) Department store
- (t) Drug store and pharmacy, including fountain and food service,
- (u) Dwelling units--when the units are located in structures also containing nonresidential uses and are not located on the ground floor,
- (v) Electronic items, retail only,
- (w) Fabric and notions,
- (x) Florist,
- (y) Frame shop,
- (z) Furniture store, new inventory only,
- (aa) Grocery store,
- (bb) Hairstyling and Beauty Salons, including but not limited to body care services such as manicures, pedicures, make up, facials, waxing, electrolysis, tanning within the Park Street CC District only. ~~Hairstyling, including related accessory uses such as manicures, pedicures, make-up, facials, waxing, electrolysis, and tanning.~~ Piercing, tattoo and massage allowed when accessory to the primary use of hairstyling provided no more than two (2%) percent of the floor area is devoted to the accessory use,
- (cc) Hardware store,
- (dd) Home furnishings,
- (ee) Ice cream store,
- (ff) Jewelry or beads store, including piercing as an accessory use provided no more than two (2%) percent of the floor area is devoted to the accessory use,
- (gg) Laundry and cleaning establishments, including pressing, spotting, garment repair and alterations and self-operated facilities when accessory to the primary use,
- (hh) Lighting fixtures,
- (ii) Luggage store,
- (jj) Medical supplies store,
- (kk) Music store, including the sale of recorded music, sheet music and instruments,
- (ll) Newspaper offices,
- (mm) Office uses (medical and professional) not associated with permitted retail sales use of the site, provided that for any building which is on a site adjoining a public street, public alley or public sidewalk, fifty (50%) percent in depth of the ground floor space directly behind that building frontage closest

to the public street, public alley or public sidewalk shall be reserved for retail sales and/or service uses permitted in the district,

- (nn) Paint and wallpaper store,
- (oo) Pet supplies, pet grooming, or pet sales providing a finding is made by the Planning 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 of adjoining properties. No outside pens or runs shall be permitted. Pet boarding allowed as an accessory use,
- (pp) Photography store, including photo developing and studio,
- (qq) Plumbing and electrical supply or fixture store, provided more than fifty (50%) percent of the floor space is devoted to retail sales,
- (rr) Political campaign offices, not to exceed six (6) months total time nor eight (8) months if the campaign is both primary and election,
- (ss) Printing establishment,
- (tt) Repair shop for shoes, radios/televisions, small domestic appliances, watches and jewelry and similar non-auto related items,
- (uu) Restaurant, coffee shop, snack bar, lunch counter, including catering as an accessory use but excluding drive-through service,
- (vv) Shoe store,
- (ww) Sporting goods store, golf shop and similar sports supplies store,
- (xx) Stationery and card store,
- (yy) Tailor and dressmaking, haberdashery, millinery excluding wholesale manufacturing,
- (zz) Tattoo Parlors located above the ground floor
- (aaa) Toy store,
- (bbb) Travel agency,
- (ccc) Video store, including retail and rental.
- (ddd) Yoga Studios located above the ground floor.

2. Other uses which the Planning Director finds similar to the above list and consistent with the purpose of the CC Zoning District, provided the following uses are expressly prohibited: check cashing business, gun and firearms sales when more than five (5%) percent of the floor area is devoted to this use, massage establishments except massage is allowed as a home occupation and accessory to health care uses and hairstyling, pawn shop, ~~piercing shop except as an accessory use to hairstyling and jewelry store,~~ tobacco and tobacco products stores except the sale of tobacco and tobacco products is allowed as accessory to other permitted or conditionally permitted uses in the C-C District. The determination of similar use by the Planning Director shall be included on the agenda for the next available Planning Board meeting and confirmed by the Planning Board. Determinations of similar use are also subject to appeal pursuant to Section 30-25.

Section 2. Section 30-4.9A subsection c. Uses Requiring Use Permits of the Alameda Municipal Code is hereby amended to read as follows:

- c. Uses Requiring Use Permits.

1. The following retail sales and services require approval of a use permit in the C-C District by the Planning Board as regulated by subsection 30-21.3. In addition to the findings included in subsection 30-21.3 approval of a use permit is subject to finding the use consistent with the policies of the General Plan and the purpose of the CC Zoning District.
 - (a) Any use in this district that does business between the hours of 10:00 p.m. and 7:00 a.m.,
 - (b) Any permitted or conditional use which is not conducted within an enclosed structure,
 - (c) Athletic club and health facilities, including massage as an accessory use,
 - (d) Auditoriums,
 - (e) Automobile detail shop. In the Park Street C-C District this use shall not front on nor have access to Park Street. In the Webster Street C-C District this use shall not front on nor have access to Webster Street and shall be further limited to the area north of the centerline of Pacific Avenue and the area at the southwest corner of Webster Street and Pacific Avenue bounded by lines eighty-five (85') feet south of the Pacific Avenue right-of-way and one hundred eighteen (118') feet west of the Webster Street right-of-way,
 - (f) Automobile parts store, wholesale and retail,
 - (g) Automobile rental, subject to the location restrictions specified in subsection 30-4.9.A c.1.(e),
 - (h) Automobile repair shop, subject to the location restrictions specified in subsection 30-4.9A c.1.(e),
 - (i) Automobile showroom/sales, provided it is within a completely enclosed building and excluding businesses with sales devoted primarily to use vehicles,
 - (j) Bars,
 - (k) Beauty college,
 - (l) Bed and breakfast facility, upon compliance with standards set forth in the definition for bed and breakfast in Section 30-2,
 - (m) Business college,
 - (n) Catering business,
 - (o) Commercial parking lot or structure,
 - (p) Convenience store,
 - (r) Drive-through restaurant and other drive-through establishments, but excluding drive-in movie theater subject to the location restrictions specified in subsection 30-4.9A c.1.(e),
 - (s) Dwelling units, provided they are located on the second or third floor only when the units do not comply with the off-street parking requirements,
 - (t) Gasoline service stations, exclusive of body, chassis and painting work, provided that all operations except the service with gasoline, oil, air and water shall be conducted within a building. See also yard requirements for gasoline stations, paragraph (g) of this subsection and driveway requirements subsection 30-5.7i,

- (u) Gun and firearms sales when accessory to a sporting goods store provided the gun and firearms sales are limited to no more than five (5%) percent of the retail area,
- (v) Hairstyling and Beauty Salons, including but not limited to body care services such as manicures, pedicures, make up, facials, waxing, electrolysis, tanning within the Webster Street C-C District only.
- (w) Hotel and motel, provided floor area devoted to a retail service use allowed within this district is included on the ground floor,
- (x) Liquor store,
- (y) Lodge hall and social club,
- (z) Martial arts, dance, jazzercise and similar uses,
- (aa) Medical facility,
- (bb) Music studios,
- (cc) Office use (medical and professional) not associated with a permitted or conditional use in this district and/or to be located on a site adjoining a public street, public alley or public sidewalk and within fifty (50%) percent of the depth of the ground floor space directly behind that building frontage closest to the public street, public alley or public sidewalk,
- (dd) Plant nursery,
- (ee) Public park, public and private school, church and religious institution, library, nursery and day care center, playground, fire station and other public buildings and uses included in the General Plan,
- (ff) Public and private utilities, including above ground and underground facilities primarily for local service such as substations, gas regulators, manned or unmanned communications equipment buildings, and similar uses,
- (gg) Self-operated laundry and cleaning establishments,
- (hh) 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,
- (ii) Small upholstery shops, exclusive of refinishing and other furniture repair or manufacturing,
- (jj) Stores devoting commercial area, gross sales, or inventory, to the sale of second quality, irregular or discontinued merchandise or to the liquidation of merchant's or manufacturer's stock,
- (kk) Tattoo Parlors located on the ground floor in the Webster Street CC District.
- (ll) Taverns,
- (mm) Theater, including movie and live,
- (nn) Those portions of grocery stores devoted to the sale of alcoholic beverages,
- (oo) Upholstery shop, exclusive of refinishing and other furniture repair or manufacturing,
- (pp) Used household articles and clothing stores,
- (qq) Veterinary clinic and/or veterinary hospital, provided the Planning Board finds the use has sufficient air conditioning and soundproofing to effectively

confine odors and noise so as not to interfere with the public health, safety and welfare. No outside pens or runs shall be permitted.

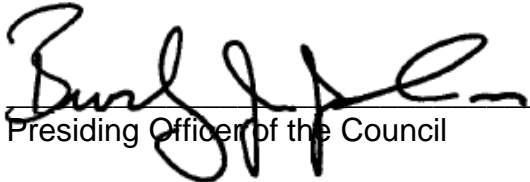
(rr) Yoga Studios located on the ground floor

2. Other uses which the Planning Director finds similar to the above list and consistent with the purpose of the CC Zoning District subject to use permit approval by the Planning Board, provided the following uses are expressly prohibited: check cashing business, gun and firearms sales when more than five (5%) percent of the floor area is devoted to this use, massage establishments except massage is allowed as a home occupation and accessory to health care uses and hairstyling, pawn shop, ~~piercing shop~~ ~~except as an accessory use to hairstyling and jewelry store~~, tobacco and tobacco products stores except the sale of tobacco and tobacco products is allowed as accessory to other permitted or conditionally permitted uses in the C-C District. The determination of similar use by the Planning Director shall be included on the agenda for the next available Planning Board meeting and confirmed by the Planning Board. Determinations of similar use are also subject to appeal pursuant to Section 30-25.

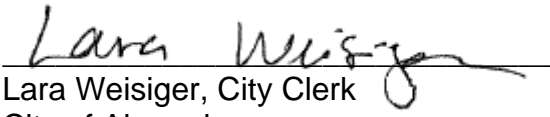
Section 3. Severability Clause. It is the declared intent of the City Council of Alameda that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provision of this ordinance.

Section 4. 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.

Section 5. CEQA. The proposed amendments are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations. The proposed amendments amend the review process for Design Review and do not increase the intensity or density of use that would be permitted on property in Alameda.


Presiding Officer of the Council

Attest:


Lara Weisiger, City Clerk
City of Alameda

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the 7th day of December, 2010, by the following vote to wit:

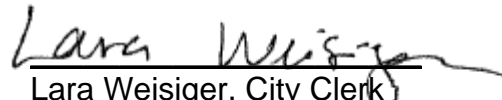
AYES: Councilmembers deHaan, Gilmore, Matarrese, Tam
and Chair Johnson - 5

NOES: None.

ABSENT: None.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 8th day of December, 2010.


Lara Weisiger, City Clerk
City of Alameda